

Richard P. v. School District

A000000351
Vikki Scully

March 18, 2005

<p style="text-align: right;">Page 18</p> <p>1 see K [REDACTED] or R [REDACTED] back in my classroom. So I didn't</p> <p>2 see them after that incident happened.</p> <p>3 Q. So once you learned about the incident, both of</p> <p>4 the girls were out of your classroom by that time.</p> <p>5 A. Um-hum.</p> <p>6 Q. Is that right?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. Now, did you have any knowledge about how</p> <p>9 the girls were placed after -- I mean, what was your</p> <p>10 knowledge about how it happened that the girls no longer</p> <p>11 attended school at Strong Vincent?</p> <p>12 A. I don't have a lot of knowledge about that,</p> <p>13 because I wasn't -- I wasn't involved in that meeting. I</p> <p>14 think that's where Charlise came in and met with the</p> <p>15 parents, and it was determined that -- for the best</p> <p>16 interests of the students, that they would be going to Sarah</p> <p>17 Reed. They offer a therapeutic component that the girls</p> <p>18 were in need of, and that we, you know, don't have it.</p> <p>19 Q. Okay. We're going to take Charlise Moore's</p> <p>20 deposition, and I think that -- you have the document that's</p> <p>21 been marked as Moore's Deposition Exhibit 2.</p> <p>22 A. Um-hum.</p> <p>23 Q. The third page of that has you as the teacher for</p> <p>24 Kristina Long. Do you see up there in the right-hand upper</p> <p>25 corner?</p>	<p style="text-align: right;">Page 20</p> <p>1 had left the school?</p> <p>2 A. That's probably when my copy was sent to me.</p> <p>3 Q. Okay. So you got a copy of this --</p> <p>4 A. Yes.</p> <p>5 Q. -- at some point.</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And you would have received a copy -- do</p> <p>8 you know why you would have received a copy?</p> <p>9 A. Because I was the teacher of record, and I had her</p> <p>10 file.</p> <p>11 Q. Okay. And that would be K [REDACTED] file.</p> <p>12 A. Yes, K [REDACTED] file.</p> <p>13 Q. And Moore Exhibit 1, which you also have over</p> <p>14 there -- you have a copy of it?</p> <p>15 A. Um-hum.</p> <p>16 Q. Mr. Gray -- is it Ms. Gray?</p> <p>17 A. Mrs. Gray, yes.</p> <p>18 Q. Is listed as her teacher. Would you have received</p> <p>19 that -- and that involves R [REDACTED] P [REDACTED]. Would you have</p> <p>20 received any of that?</p> <p>21 A. I would not have received it, because I was not</p> <p>22 her teacher. I wouldn't have gotten a copy of that.</p> <p>23 Q. Now, so Miss Cappabianca told you that -- you</p> <p>24 learned from Miss Cappabianca that there had been an</p> <p>25 incident.</p>
<p style="text-align: right;">Page 19</p> <p>1 A. Um-hum.</p> <p>2 Q. Do you recall seeing this -- have you ever seen</p> <p>3 this document before?</p> <p>4 A. After the fact. But Mrs. Gray -- I must not have</p> <p>5 been in the building. Mrs. Gray is the one who --</p> <p>6 Q. Signed it?</p> <p>7 A. -- signed off on it.</p> <p>8 Q. So you are listed as the teacher, but you didn't</p> <p>9 sign the document.</p> <p>10 A. Yeah.</p> <p>11 Q. After the fact -- if you look at the document</p> <p>12 that's been marked as Moore's Deposition Exhibit 2, do you</p> <p>13 recall -- do you know if you saw any of these documents, any</p> <p>14 of this paperwork back in January of 2002?</p> <p>15 MR. MARNEN: You mean Exhibit 2?</p> <p>16 MR. OLDS: Yes.</p> <p>17 A. I don't -- I can't say that I saw it in January.</p> <p>18 I don't --</p> <p>19 Q. Do you think you might have seen it --</p> <p>20 A. Yeah, after.</p> <p>21 Q. -- sometime in 2002?</p> <p>22 A. After the fact, yeah.</p> <p>23 Q. Well, what do you mean by "after the fact"?</p> <p>24 A. Well, after she had left the -- the school.</p> <p>25 Q. Okay. And why would it be shown to you after she</p>	<p style="text-align: right;">Page 21</p> <p>1 A. Um-hum.</p> <p>2 Q. And the girls were no longer in your class. How</p> <p>3 did you learn -- how did you learn what happened to them</p> <p>4 afterwards? In other words, you weren't involved.</p> <p>5 A. Um-hum.</p> <p>6 Q. Who told you the steps that had been taken?</p> <p>7 A. Linda, as time went on in the investigation and as</p> <p>8 we needed to know -- because some of the other kids were</p> <p>9 students in our classes, so it would affect us.</p> <p>10 Q. So eventually she told you who the alleged</p> <p>11 assailants were as well; is that right?</p> <p>12 A. I figured the one out, because he was no longer in</p> <p>13 my class. I think his parents pulled him immediately from</p> <p>14 the school. So I put two and two together.</p> <p>15 Q. And who was that?</p> <p>16 A. Charles Bibbs.</p> <p>17 Q. Okay. And do you know whether he was suspended,</p> <p>18 or did his parents pull him out?</p> <p>19 A. That, I don't know.</p> <p>20 Q. Do you know whether -- did you ever learn whether</p> <p>21 he had a history, a disciplinary history of harassing female</p> <p>22 students --</p> <p>23 A. No.</p> <p>24 Q. -- or sexually harassing?</p> <p>25 A. I never learned of anything like that.</p>

Richard P. v. School District

A000000352
Vikki Scully

March 18, 2005

<p style="text-align: right;">Page 22</p> <p>1 Q. When you received a new student like that at 2 Strong Vincent, and they -- K [REDACTED] and R [REDACTED] would have 3 been -- come in as seventh graders. 4 A. Um-hum. 5 Q. Do you know, did C [REDACTED] B [REDACTED] come in as a 6 seventh grader that year? 7 A. I would have to look at the records. 8 Q. You wouldn't know. 9 A. Yeah. 10 Q. Is it fair to say that you're not -- you don't 11 learn about the prior disciplinary records of students who 12 come to you? 13 A. We learn the academic history and any information 14 that would be in an evaluation report. They are -- we get 15 that information -- my understanding of it is that like 16 discipline files from year to year cannot follow. Like you 17 can't keep that to hold it against a student, so. 18 Q. Okay. 19 A. But when you get a new student, you can figure out 20 rather quickly what their behavior is probably going to be 21 like, so. 22 Q. Okay. So the other students who were involved -- 23 none of the -- well, was B [REDACTED] C [REDACTED] taken out of your 24 class after the -- 25 A. She was -- my understanding is she was prosecuted</p>	<p style="text-align: right;">Page 24</p> <p>1 A. No. She had -- she works out of the 2 administration building. She -- she goes to all the other 3 schools; you know, the middle -- that have seventh and 4 eighth grade and supervises all the teachers that deal with 5 those students. 6 Q. Okay. And does she still have the same position 7 now? 8 A. Yes. 9 Q. Now, is it fair to say that she took over after 10 the incident in terms of -- well, is it your understanding 11 that she took over in terms of changing the girls' 12 placement? 13 A. She was called in and involved in it. Because I 14 think that's above what the teacher of record's 15 responsibilities are. 16 Q. What other professionals -- for instance, I take 17 it that you probably are part of an IEP team from time to 18 time. 19 A. Um-hum. 20 Q. Is that right? 21 A. Well, we're responsible for writing the IEP, so. 22 Q. The teachers are. 23 A. The special education teachers. 24 Q. Special education. 25 A. The teacher of record.</p>
<p style="text-align: right;">Page 23</p> <p>1 and sent away. 2 Q. Did she continue to be in your class until that 3 happened? Do you remember? 4 A. Until the -- until the court case came up. 5 Q. Okay. 6 A. Or until the -- you know, whatever -- when they 7 charged her. I think when she got charged, she was moved to 8 Edmund L., if I remember correctly. 9 Q. But C [REDACTED] B [REDACTED], it was your understanding that 10 his parents withdrew him? 11 A. That's my understanding, yes. 12 Q. Okay. And then tell me what Charlise Moore's job 13 was. 14 A. In that situation, or what her -- 15 Q. I guess in general, and then we'll go to the 16 specifics of that situation. She's a supervisor, right? 17 A. She serves as the middle school life skills 18 supervisor. She is the one who helps to translate legal -- 19 you know, the legal interpretation of the law to us to make 20 sure that we're in line with, you know, following Federal 21 and State regulations. She assists us if we have questions 22 about, you know, how we make adaptations for students or -- 23 she's the main person we go to with questions that we are 24 unable to answer. 25 Q. And she didn't -- did she have students?</p>	<p style="text-align: right;">Page 25</p> <p>1 Q. Okay. And when do you write IEP for students? 2 A. Our School District, most of them come due around 3 the first parent conference time, which is November. But 4 you can write an IEP at any time, rewrite it. But within -- 5 they have been to be written within a year -- a year of each 6 one. 7 Q. Right. Do you recall whether you wrote the first 8 IEP for K [REDACTED] 9 A. I'm the teacher of record. I don't -- 10 Q. We have identified that in the last deposition. 11 Let me -- it was part of 4 and 5. No, it was part of 3 and 12 4. And let me just show you -- that was marked as Manus 13 Deposition Exhibit 3 and 4. The first page is the first 14 page of 3, and then the remainder of the IEP is marked as 15 Exhibit 4. 16 A. Okay. 17 Q. And I guess my question is, after you reviewed 18 that, if you can tell me whether you wrote it. 19 A. Yes, I wrote -- this is the IEP that I wrote. 20 Q. And are there different -- we noticed that 21 K [REDACTED]'s IEP seemed to be a different form than R [REDACTED]'s. 22 Just the format. And Manus Exhibit 5 was R [REDACTED]'s. Do you 23 have any idea why they are different forms? 24 A. Can you explain the differences of forms? 25 Q. Look at, like, for instance, Page 3 of 8 on</p>

Richard P. v. School District

A000000353

Vikki Scully

March 18, 2005

Page 26

1 Exhibit 4, K [REDACTED]
2 A. (Witness complies.)
3 Q. Yeah, that's R [REDACTED], 3 of 8. And then look at
4 your 3 of 8.
5 A. (Witness complies.) It could be just the computer
6 that they wrote them on. This (indicating) was written in
7 the summer --
8 Q. Exhibit 5 was?
9 A. Exhibit 5 was written in the summer, 7/23/01, in
10 the administrative office. It wasn't -- it could be
11 something as --
12 Q. Different program.
13 A. -- simple as they have a different -- they did it
14 on their computer or -- yeah, it's a different -- it's the
15 same -- I think it's the same -- it has the same content.
16 Q. Yeah. I'm just curious if you know why there's
17 maybe a different format. And it might just be the
18 computer?
19 A. It's the computer. I mean, it's got the same --
20 yeah. It's got the same information. It's just -- I mean,
21 sometimes -- and it's an unprotected document. You can
22 unprotect it, because you have to submit information in
23 there, so sometimes when you unprotect it and make it
24 longer, that the numbers down below get all skewed, so.
25 This one was written in our administrative offices.

Page 27

1 Q. Okay. And then how did you write K [REDACTED]
2 which was marked as Exhibit 4, in Manus's deposition? Where
3 did you have the information to write hers?
4 A. Well, like right here, it says, like -- I take
5 information from the classroom, what she's doing, and do
6 curriculum-based assessments. And then you write it from
7 there. And then you take where they are working at and what
8 goals do they need to work on. And then you write the
9 goals. That's like Pages 3 of 8. You write a goal for
10 every subject that they are in for learning support.
11 Q. Okay.
12 A. And then Page 4, you discuss what accommodations
13 are made and what services would be provided, if needed;
14 nursing and psychological. And then you address what is
15 going to happen when they take Districtwide assessments and
16 Statewide assessments on Page 5. And then the last page is
17 just percentages; about how many class -- like when you're
18 in a special ed. class, that equals a certain percentage.
19 And so you add up. So 68 percent of the day, she's in a
20 learning support environment.
21 Q. On Page 4 of 8, I guess you say that you
22 recommended that she be examined by a psychologist every two
23 years.
24 A. That's any student who is receiving special
25 education services gets re-evaluated.

Page 28

1 Q. Do you recall whether you -- whether either
2 K [REDACTED] or R [REDACTED] needed -- or to what extent they needed
3 behavioral modification or emotional support when they were
4 in your class?
5 A. Can I recall -- can you rephrase that.
6 Q. I'm sorry. Do you recall whether -- whether
7 either of them needed sort of psychological therapy or any
8 kind of behavior modification, you know, work when they were
9 in your class, before the incident?
10 A. No, I cannot recall. K [REDACTED] was a little
11 scattered and got lost. So that was -- it was trying to
12 come up with different ways to help her make her way in the
13 building. But there was no behavior problems, no -- I mean,
14 the work they received was adapted on to their grade level;
15 what their instructional level is.
16 Q. And what about R [REDACTED] Were there behavioral
17 problems with her?
18 A. No.
19 Q. Did they get along well with the other students?
20 A. That -- I don't recall them not getting along
21 well. I don't recall them being -- I mean, and you can look
22 back and think of kids that had conflict, and they do not
23 stick out as students that had conflict with other students.
24 (Scully Deposition Exhibit 1.
25 marked for identification.)

Page 29

1 Q. Okay. Now, we had marked as Exhibit 1, Scully
2 Exhibit 1, just an IEP revision review --
3 A. Um-hum.
4 Q. -- that apparently you did. I guess you did this
5 in --
6 A. June.
7 Q. -- June of 2002.
8 A. Um-hum.
9 Q. Did you have -- did you teach either K [REDACTED] or
10 R [REDACTED] after their first assignment at Sarah Reed?
11 A. Sarah -- or Sarah Reed. R [REDACTED] came back to
12 school the next year briefly, and she was in my classes
13 again. But I don't recall her being there very long.
14 Q. What do you recall of her behavior when she was
15 back?
16 A. She wasn't in my -- my recollection, she wasn't
17 there long enough to -- I know there was an incident,
18 relatively early in the school year, and my knowledge of it
19 was she became aggressive with a police officer. And my
20 understanding was that it started over a dress code
21 violation. And how I remember that is she was -- she had
22 been in my class all morning, and I didn't notice the dress
23 code violation. So that's how I -- and, then, again, after
24 that incident, that was the last that I had seen her.
25 Q. Going back to Sarah Reed for a second, what

A000000354

Richard P. v. School District

Vikki Scully

March 18, 2005

Page 30

1 programs did you -- well, what is Sarah Reed? I mean, to
 2 your understanding.
 3 A. I don't know much about Sarah Reed. I know
 4 that -- I have never worked there. I know they offer a
 5 therapeutic component to deal with students who may have
 6 had, you know, issues or who were not struggling -- or were
 7 struggling in the regular schools. And then the academic
 8 component. I know -- you know, we do that for
 9 home tutoring. I thought we sent them work, but they have
 10 their own curriculum there all day.
 11 Q. Do you know whether it's principally a school for
 12 kids with emotional problems?
 13 A. I actually don't know to say for sure. I -- I
 14 could say that I think, but I don't know.
 15 Q. Okay. And do you know whether students that go
 16 there are students who behaviorally can't fit into the
 17 regular or mainstream schools?
 18 A. I think there's a variety of different reasons why
 19 students go there. I think each -- each instance is
 20 specific to the individual student.
 21 Q. Okay. And you had no input, or you didn't play
 22 any role in the decision to transfer them to Sarah Reed.
 23 A. No.
 24 Q. In either in your educational background or your
 25 experiential background, do you have to -- in terms of

Page 31

1 communication with students such as R [REDACTED] or K [REDACTED] what
 2 is different about that than maybe communicating with
 3 students who are not in learning support classes? Are there
 4 problems that you have to be particularly aware of?
 5 A. In communicating?
 6 Q. Right.
 7 A. Can you give me an example.
 8 Q. Well, in terms of listening to them and having
 9 them express their problems to you or their concerns.
 10 A. I don't see a difference in the regular ed. kids
 11 that I would know that -- I think it's an individual basis
 12 on the kid. I don't think the disability necessarily has
 13 anything to do --
 14 Q. Okay. What was your impression of, I guess,
 15 the -- the general discipline at Strong Vincent in
 16 2001/2002?
 17 A. Meaning was it --
 18 Q. Did you perceive discipline or order a significant
 19 problem in the school?
 20 A. Not significant, no. I would say typical --
 21 typical of --
 22 Q. An urban school?
 23 A. Yeah.
 24 Q. Did you ever have to -- were you ever involved in
 25 like breaking up fights or that kind of activity?

Page 32

1 A. Yes.
 2 Q. And did any involve either K [REDACTED] or R [REDACTED]
 3 A. That I broke up? No.
 4 Q. Do you know whether -- have you ever heard that
 5 learning support girls might be more vulnerable to sexual
 6 assaults than other girls?
 7 A. Have I ever heard that?
 8 Q. Well, yeah. I mean, do you know that to be the
 9 case, based upon your experiential or educational
 10 background?
 11 A. No, not --
 12 Q. Okay. So you don't know whether, for instance,
 13 they are more vulnerable to abuse than children in normal
 14 mainstream classes?
 15 A. In normal regular classes? No, I don't.
 16 Q. Were there changes that the school made after the
 17 2001/2002 school year concerning either how they handled
 18 discipline or how they trained faculty to perceive issues
 19 involving students?
 20 A. Not that I know of, no.
 21 Q. Not that you're aware of. Did you ever attend any
 22 inservice that involved helping you recognize bullying kinds
 23 of conduct or sexual harassment kinds of conduct?
 24 A. I was trained to be on the Student Assistant
 25 Program team, and that's where you get training on, you

Page 33

1 know, recognizing -- and we do have inservices throughout
 2 the District of -- many schools are starting bullying
 3 prevention programs and various things like that.
 4 Q. And you were trained in the Student Assistant
 5 Program?
 6 A. I was a member on the Student Assistant team.
 7 Q. And tell me about that team.
 8 A. It's a team that meets and addresses needs of
 9 students that have been referred for a variety of reasons.
 10 Slipping in -- grades slipping, drastic behavior changes, if
 11 a family member dies. We meet twice a week, and we send out
 12 informational gathering sheets to teachers, get parent
 13 permission, send out informational gathering sheets to find
 14 out how they are doing in the classes. And then you come
 15 back and reconvene as a team and talk about -- you know,
 16 just compare.
 17 Because it could be a child could be dropping in
 18 grades, and you could look at it and try to figure out why
 19 is their math grade dropping or why -- you kind of try to
 20 investigate that, and then you come up with whether the
 21 child needs to be seen by mental health, whether they can be
 22 mentored. Maybe it was just a bad month. You know, their
 23 parents were going through a fight or something. So -- and
 24 we address those various needs.
 25 Q. And does each school have a team like that?

Richard P. v. School District

A000000355
Vikki Scully

March 18, 2005

Page 34

1 A. To my knowledge, yes.

2 Q. How many faculty -- were you on that team at

3 Strong Vincent or Roosevelt?

4 A. I'm on it both -- I was on it at both schools.

5 Q. Both. And how many faculty members were on the

6 team?

7 A. At Strong Vincent? Roughly eight. And our

8 probation officer was a member. The school nurse would

9 come, counselor, one of the administrators. And then the

10 psych -- the mental health -- I don't know what their

11 official title is. The counselor who deals with the mental

12 health issues would have been on our team as well.

13 Q. Did you know anything about the in-school

14 mediation program?

15 A. Peer mediation?

16 Q. Peer mediation, yeah. How did that program work?

17 A. Students were selected based on faculty

18 recommendations, and they went through a training program to

19 help students work out problems amongst themselves. And

20 then when you had students that had a conflict in your class

21 that you thought could be resolved through peer mediation,

22 you could submit that to the peer mediation person, and they

23 would pick peer mediators to come in and go into a private

24 setting and have the kids discuss it to try to see if they

25 could work the problems out themselves.

Page 35

1 Q. There was a faculty member who was the peer

2 mediator coordinator or something?

3 A. I don't know -- it was Mikelea Curtze was the

4 trainer of it. I don't know if she was on staff that year,

5 but I don't know who -- she was in the building frequently,

6 so she would address --

7 Q. Do you know if B [REDACTED] C [REDACTED] was a peer mediator?

8 A. No. To my knowledge, no.

9 Q. How about C [REDACTED] B [REDACTED]?

10 A. No. The recommendations came from faculty, and it

11 was typically probably more students that would have been in

12 the honors programs and --

13 Q. Okay. Now, you indicated that your sort of --

14 your knowledge of this incident involving R [REDACTED] and

15 K [REDACTED] arose after R [REDACTED] came into your classroom one

16 day --

17 A. Um-hum.

18 Q. -- and used a curse word. Before that happened,

19 were you aware of whether there were any students either

20 harassing R [REDACTED] or molesting her on school property?

21 A. No.

22 Q. You hadn't heard that?

23 A. No.

24 Q. And before she came in and used that -- the curse

25 word, had you heard any rumors that there had been -- that

Page 36

1 she was engaging in sexual activity?

2 A. No.

3 Q. You did not.

4 A. (Witness shakes head.)

5 Q. Do you have any idea what percentage of the

6 students at Strong Vincent were special ed. students?

7 A. I don't know off the top of my head.

8 Q. And do you know what grade C [REDACTED] B [REDACTED] was in

9 when this incident happened?

10 A. I believe eighth grade. But I'm not sure on that

11 either.

12 Q. He was much older, wasn't he, than the other

13 students?

14 A. I don't -- I don't know his chronologic age.

15 Q. I've never met him. Do you recall what he looked

16 like physically? Was he a big kid, small kid?

17 A. No, he was not big. Shorter than me. Athletic.

18 Athletic build. Very personable. I think the kids would

19 say that he was an attractive student, attractive middle

20 school student, but not big.

21 Q. Did you ever talk to Linda Cappabianca

22 specifically about her ideas for disciplining C [REDACTED] B [REDACTED]

23 or bringing him under control?

24 A. Yes. We tried behavior plans and offering

25 incentives and various things that you do for students that

Page 37

1 can be disruptive in class.

2 Q. We have a packet of papers here, sort of a C [REDACTED]

3 B [REDACTED] discipline stuff. One of the things I noticed,

4 that there was a -- there's a behavior chart.

5 A. Um-hum.

6 Q. Can you tell me what a behavior chart is used for.

7 That's document 1912-Erie.

8 A. We use this for students who need some extra

9 motivation to control their behavior. We put their name on

10 it, their teacher -- they carry it throughout the day -- the

11 date. And then we target five different areas that we want

12 them to work on. For him it was these: On time completing

13 work, appropriate language, staying in seat, following

14 directions, not skipping classes.

15 And then throughout the day -- they only had four

16 periods at this time, because they had block scheduling. We

17 would kind of assess how he did throughout the day, make any

18 comments, and you do like a point system. If you get so

19 many X's after so many days, you know, there would be some

20 sort of reward for the student.

21 Q. Okay. And who would instigate something like

22 that? Would it be Cappabianca?

23 A. Actually, the teacher of record would be the one

24 who would -- but if a student was chronically sent to the

25 office, she could come to us and say, will you, you know,

Richard P. v. School District

A000000356
Vikki Scully

March 18, 2005

<p style="text-align: right;">Page 38</p> <p>1 develop -- the teacher of record would write the behavior</p> <p>2 plan.</p> <p>3 Q. And this would be some sort of, like, positive</p> <p>4 reward, sort of -- trying by giving him positive feedback?</p> <p>5 A. Um-hum.</p> <p>6 Q. Reward good behavior?</p> <p>7 A. Yeah, and help him to monitor his behavior as</p> <p>8 well.</p> <p>9 Q. And there was another document with -- it's</p> <p>10 Erie-1903. It's a Functional Behavior Assessment.</p> <p>11 A. Um-hum.</p> <p>12 Q. Do you recall on what occasions the Functional</p> <p>13 Behavior Assessment was completed?</p> <p>14 A. On what occasion, or reason why?</p> <p>15 Q. Yes. Why would it be done?</p> <p>16 A. Basically to try to target what the challenging</p> <p>17 behaviors are. You are taking data on a student for a</p> <p>18 variety of days in a row, like five days in a row, and that</p> <p>19 way you can kind of check -- maybe a student is being bad</p> <p>20 second period. Is it the time of day, is it the content</p> <p>21 that he doesn't like, is it a teacher conflict.</p> <p>22 So as you go through their results, you can kind</p> <p>23 of check to see what he's doing or what the student is doing</p> <p>24 in what classes. And you try to -- that's -- this is what</p> <p>25 drives the behavior plan. You take data first --</p>	<p style="text-align: right;">Page 40</p> <p>1 Q. By any chance, do you remember who the gym teacher</p> <p>2 was?</p> <p>3 A. Michelle Acke. She's now Michelle Bennett.</p> <p>4 Q. Do you recall whether you had meetings with either</p> <p>5 the parents of K [REDACTED] or R [REDACTED]?</p> <p>6 A. I met with both of them.</p> <p>7 Q. And do you remember when you met with them?</p> <p>8 A. I met with Mr. P [REDACTED] at conference -- open</p> <p>9 house, I think it was. Which would have been about October.</p> <p>10 And Mrs. L [REDACTED] was in the building frequently, so I -- I had</p> <p>11 seen her several times throughout that school year.</p> <p>12 Q. And do you remember why she was in the building?</p> <p>13 A. Not off the top of my head. She had two children</p> <p>14 there too, so it could have been for --</p> <p>15 Q. Her other daughter.</p> <p>16 A. -- her other daughter.</p> <p>17 MR. OLDS: Let's take a little break, okay? I</p> <p>18 want to review stuff, and we'll come back.</p> <p>19 (Recess held from 2:07 p.m. till 2:16 p.m.)</p> <p>20 Q. There was one document, and it had been marked</p> <p>21 Erie-1932. And this was in C [REDACTED] B [REDACTED] disciplinary</p> <p>22 file. I wonder if you can tell me if you ever saw that</p> <p>23 document before.</p> <p>24 A. No, I never saw that.</p> <p>25 Q. And it's signed by an individual with --</p>
<p style="text-align: right;">Page 39</p> <p>1 Q. Okay.</p> <p>2 A. -- and then you come up with a plan --</p> <p>3 Q. Okay.</p> <p>4 A. -- after that.</p> <p>5 Q. So -- and then who was it -- Miss Gray would have</p> <p>6 been his teacher of record?</p> <p>7 A. No. That's the teacher that had him at that</p> <p>8 class.</p> <p>9 Q. Okay. Do you recall who his teacher of record</p> <p>10 was?</p> <p>11 A. I do not recall who his teacher of record was.</p> <p>12 Q. It wasn't you, though?</p> <p>13 A. I don't --</p> <p>14 Q. Or it might have been?</p> <p>15 A. It might have been, but I don't recall. I think</p> <p>16 it might have been Mrs. Manus. But we all have him. See,</p> <p>17 it says "staff reporter". This is the results from her</p> <p>18 class --</p> <p>19 Q. I see.</p> <p>20 A. -- in LS math at this time.</p> <p>21 Q. Okay. So when something like this -- when it was</p> <p>22 decided to do a Functional Behavior Assessment, all the</p> <p>23 teachers would do one.</p> <p>24 A. Um-hum. Or if he was just posing trouble in a</p> <p>25 certain class, that teacher would collect the data.</p>	<p style="text-align: right;">Page 41</p> <p>1 Richard Gokhale (phonetic) or something like that.</p> <p>2 A. It's -- I have no idea who that person is.</p> <p>3 Q. Okay. Substitute teacher. Cepak or C-E-P-A-K.</p> <p>4 And you never heard of that individual?</p> <p>5 A. I don't know who that is.</p> <p>6 Q. Richard Cepak, maybe that would be --</p> <p>7 A. I don't know who a -- Dr. Richard --</p> <p>8 Q. Dr. Richard Cepak, yeah. Substitute teacher.</p> <p>9 A. We get a lot of substitutes, so.</p> <p>10 Q. Okay. Did you ever observe Charles using language</p> <p>11 referring to female genitalia?</p> <p>12 A. I don't recall. I mean, he was -- he cussed and</p> <p>13 stuff, but, you know -- but not to my recollection.</p> <p>14 Q. Now, do you remember an incident where Rachel was</p> <p>15 crying and you sent her to the bathroom to compose herself?</p> <p>16 A. No, I don't remember that.</p> <p>17 Q. Did Linda Cappabianca ever tell you that she</p> <p>18 thought Rachel was sexually promiscuous?</p> <p>19 A. No.</p> <p>20 Q. When she first described the -- what had happened</p> <p>21 or what was going on, tell me as best as you can recollect</p> <p>22 what she said to you.</p> <p>23 MR. MARNEN: You're referring to Linda now?</p> <p>24 MR. OLDS: Yeah, Linda Cappabianca.</p> <p>25 A. About the incident that happened?</p>

Richard P. v. School District

A000000357
Vikki Scully

March 18, 2005

Page 42

1 Q. Yes.
2 A. She said that the girls were in the Laundromat,
3 and that they were -- she described what -- not in detail,
4 but alluded as to what they were doing. And that was pretty
5 much all she said.
6 Q. When you say she alluded to what they were doing,
7 what did she tell you?
8 A. Oral sex.
9 Q. And she said that the girls were engaged in oral
10 sex?
11 A. She said that -- I didn't know which one was. She
12 said there was an incident with oral sex, and B [REDACTED] was
13 involved. And that's all.
14 Q. But she did tell you it was K [REDACTED] and R [REDACTED]
15 A. Yes.
16 Q. Did she tell you that she had information that
17 R [REDACTED] was involved with oral sex in other places?
18 A. No.
19 Q. Did she suggest to you that R [REDACTED] and K [REDACTED]
20 had voluntarily engaged in oral sex?
21 A. No, she didn't say -- I mean, she said that B [REDACTED]
22 was there and that there was coercion.
23 Q. Okay.
24 A. But they don't always tell us -- I mean, there's
25 stuff that they know that we don't need to know, so

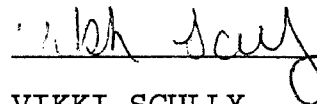
Page 43

1 there's --
2 Q. In other words, the administrators?
3 A. Yeah, the administrators.
4 Q. I understand that. And I'm just -- I was just
5 trying to understand what she told you.
6 A. Oh, okay.
7 Q. And this was in a one-on-one conversation that she
8 had with you?
9 A. Um-hum.
10 MR. OLDS: I guess I don't have any other
11 questions.
12 MR. MARNEN: I have no questions, and we'll read
13 and sign.
14
15 (Deposition concluded at 2:20 p.m.)
16
17
18
19
20
21
22
23
24
25

A000000358

SIGNATURE PAGE

I, VIKKI SCULLY, have read the foregoing
transcript of my deposition, and affix my signature in
approval of the correctness of my statement, except for
corrections noted on the Amendment Page.


VIKKI SCULLY

DATED: 4-15-05

Corrections Noted on Amend Page

Yes ☒

No ☐

JLF

A000000359

AMENDMENT PAGEPageLineCorrection

41

16

I don't remember
a time when R [REDACTED]
was crying and I
sent her to the restroom
to compose herself, but
that is something I
would do if a student
was upset in my classroom.

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF PENNSYLVANIA

3 RICHARD P., by and for :
4 Rachel P., and DENISE L., :
5 by and for K[REDACTED] L., :
6 Plaintiffs :

7 v. : Civil Action No. 03-390
8 : Erie

9 SCHOOL DISTRICT OF THE CITY :
10 OF ERIE, PENNSYLVANIA; JANET :
11 WOODS, Individually and in :
12 her Capacity as Principal of :
13 Strong Vincent High School; :
14 and LINDA L. CAPPABIANCA, :
15 Individually and in her :
16 Capacity as Assistant :
17 Principal of Strong Vincent :
18 High School, :
19 Defendants :

20 Deposition of JANET WOODS, taken before
21 and by Janis L. Ferguson, Notary Public in and
22 for the Commonwealth of Pennsylvania, on Monday,
23 April 11, 2005, commencing at 10:00 a.m., at the
24 offices of Knox McLaughlin Gornall & Sennett, PC,
25 120 West 10th Street, Erie, Pennsylvania 16501.

Reported by Janis L. Ferguson, RPR
Ferguson & Holdnack Reporting, Inc.

<p style="text-align: right;">Page 2</p> <p>1 For the Plaintiffs:</p> <p>2 Edward Olds, Esquire</p> <p>3 Carolyn Spicer Russ, Esquire</p> <p>4 1007 Mount Royal Boulevard</p> <p>5 Pittsburgh, PA 15223</p> <p>6 For the Defendants:</p> <p>7 James T. Marnen, Esquire</p> <p>8 Knox McLaughlin Gornall & Sennett, PC</p> <p>9 120 West 10th Street</p> <p>10 Erie, PA 16501</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 J A N E T W O O D S, first having</p> <p>2 been duly sworn, testified as follows:</p> <p>3</p> <p>4 DIRECT EXAMINATION</p> <p>5 BY MR. OLDS:</p> <p>6</p> <p>7 Q. Good morning, Miss Woods. How are you?</p> <p>8 A. Good morning, Mr. Olds.</p> <p>9 Q. So I'm going to take your deposition in a lawsuit</p> <p>10 that -- I represent the parents of K [REDACTED] L [REDACTED] Denise</p> <p>11 L [REDACTED] and R [REDACTED] P [REDACTED] -- Richard and Shelly P [REDACTED] --</p> <p>12 have sued the Erie School District, and they have named you</p> <p>13 and Miss Cappabianca in that lawsuit as well.</p> <p>14 I'm just going to take the deposition to see what</p> <p>15 information you have about the events that, you know,</p> <p>16 comprise or underlie the lawsuit and the --</p> <p>17 Have you ever been deposed before?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. So you probably know the ground rules. But</p> <p>20 just to remind you that I guess the most important one from</p> <p>21 my perspective is that you let me finish a question before</p> <p>22 you start to answer it, and I'll let you finish an answer</p> <p>23 before I start the next question.</p> <p>24 Sort of the reason for that ground rule is that</p> <p>25 even though you know where I'm going when I'm asking you the</p>
<p style="text-align: right;">Page 3</p> <p>1 I N D E X</p> <p>2</p> <p>3 TESTIMONY OF JANET WOODS</p> <p>4 Direct examination by Mr. Olds 3</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10 EXHIBITS:</p> <p>11 Woods Deposition Exhibit 1 - Page 49</p> <p>12 Woods Deposition Exhibit 2 - Page 72</p> <p>13 Woods Deposition Exhibit 3 - Page 81</p> <p>14 Woods Deposition Exhibit 4 - Page 81</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p>1 question, and you don't have to wait for me to finish asking</p> <p>2 the question when we're just conversing like this, when you</p> <p>3 go back to look at the record, sometimes it's not clear what</p> <p>4 the question was.</p> <p>5 So just for purposes of preserving the record, I</p> <p>6 would like you to let me finish the question.</p> <p>7 A. Um-hum.</p> <p>8 Q. Sometimes I go on and on and on, and you're saying</p> <p>9 when is this guy going to let me give him his answer. But</p> <p>10 if you'll try to do that, I'll try to let you go on and on</p> <p>11 and on when you give answers. Okay?</p> <p>12 Why don't you -- you're retired now; is that</p> <p>13 correct?</p> <p>14 A. I took early retirement, correct.</p> <p>15 Q. I guess for the record, if you could state your</p> <p>16 full name and your home address.</p> <p>17 A. My name is Janet, J-A-N-E-T, M as in Mary, Woods,</p> <p>18 W-O-O-D-S. Home address is [REDACTED] Edinboro.</p> <p>19 Q. And how long did you work for the Erie School</p> <p>20 District?</p> <p>21 A. I was employed at the Erie School District as an</p> <p>22 administrator in 1990. And I took early retirement to stay</p> <p>23 home with my children in June -- on June 23rd of 2003.</p> <p>24 Q. And did you work for the Erie School District</p> <p>25 prior to 1990?</p>

Page 6	Page 8
<p>1 A. In 1974, I worked as a -- in the Special Education 2 Department. From 1974 to 1980 in the special services 3 department with special education students in a vocational 4 education program, and disadvantaged students in a 5 vocational education program. 6 (Discussion held off the record.) 7 A. In 19 -- 8 Q. Go ahead. I'm sorry. 9 A. Yeah. In 1990, I became a -- an administrator, 10 and I worked -- excuse me. From 1980 to 1990, I was an 11 administrator at PENNCREST School District. That's all 12 capitals, P-E-N-N-C-R-E-S-T. PENNCREST School District. 13 It's in Crawford County, south of here. I was a principal 14 there until 1990. And in 1990, I came with the City of Erie 15 School District. 16 Q. And you were with Erie for -- 17 A. 13 years. 18 Q. -- from 1990 to 2003. Did you have the same 19 assignment those 13 years? 20 A. In 1990, I was assigned to Wayne Middle School. 21 And for a one-year period, when the seventh and eighth 22 graders were added to Strong Vincent -- that was 1992. I 23 was there for one year, and then I was reassigned back to 24 Wayne School until the year 2000. In 2000, 2001, 2002, for 25 three years I was assigned to Strong Vincent High School.</p>	<p>1 A. Correct. 2 Q. Do parents get to select what school they're going 3 to send the kids to? 4 A. You're talking middle schools? 5 Q. Um-hum. 6 A. You're just talking middle schools. To answer 7 that question, you have to honestly go back to elementary 8 schools, because some elementary schools are K-8, some are 9 K-6. There -- the District doesn't have a standard pattern 10 yet throughout the district, I don't believe. 11 But attendance areas determine where a student 12 attends elementary school. Attendance areas then follow 13 where the student attends -- generally attends middle 14 school. However, occasionally a student will come from 15 another school for some reason from the other side of town. 16 That's not unusual at all. 17 Q. And how many -- do you know how many -- there are 18 how many high schools in the School District? 19 A. There are four. 20 Q. And how many junior highs or middle schools? 21 (Brief interruption in proceedings.) 22 Q. How many middle schools? 23 A. You're talking about the time when I was employed, 24 correct, Mr. Olds? 25 Q. Right.</p>
Page 7	Page 9
<p>1 Then it was a middle/high school. Middle and high school. 2 Got that? 3 Q. Yes. 4 A. Okay. 5 Q. Was there -- in terms of the demographics, is 6 there much of a difference between the Wayne High School and 7 Strong Vincent? 8 A. Well, Wayne Middle School was a middle school. 9 Q. Wayne Middle School. 10 A. That was sixth, seventh and eighth. 11 Q. Okay. 12 A. And it's now an elementary school, K-8. But -- 13 1-8. And Strong Vincent was a seventh through 12 school. 14 Q. Are there differences in the demographics between 15 the schools? 16 A. Well, Strong Vincent had a middle school. Those 17 kids were the same as Wayne School. There was many students 18 I knew from both schools. 19 Q. I guess by "demographics", I mean either in terms 20 of race or, you know, blue class or -- 21 A. No. 22 Q. There's not. 23 A. No. It's an urban school district. 24 Q. Okay. In Erie, do parents get to select what 25 school -- there's more than one middle school, right?</p>	<p>1 A. Well, there was Wayne Middle School. Strong 2 Vincent had middle school students. There was Wilson Middle 3 School and Roosevelt Middle School. And Roosevelt, Wayne, 4 and Wilson were all middle schools; six, seven, and eight. 5 MR. MARNEN: Can we get a time frame here, more 6 specific time frame? You were in the District 7 from '90 to '03. 8 THE WITNESS: Correct. 9 MR. MARNEN: Do you mean that whole 13 years? 10 THE WITNESS: Yes. I was in the Erie City School 11 District. 12 MR. MARNEN: During those whole 13 years, there 13 was Wayne, Wilson, and Roosevelt? 14 THE WITNESS: I was employed only at Wayne and 15 Strong Vincent during that time. 16 MR. MARNEN: I mean the middle schools during that 17 period of time. All I'm trying to do is -- 18 BY MR. OLDS: 19 Q. Was it the same schools -- were the same schools 20 middle schools throughout that period of time? 21 A. Yes, um-hum. 22 Q. And Strong Vincent was a -- at some point became a 23 high school/middle school; is that right? 24 A. 1992. 25 Q. And it remained that until you left?</p>

<p style="text-align: right;">Page 10</p> <p>1 A. The -- the year 2000/2003 [sic], we had -- I 2 believe we had nine through 12. Or, excuse me, eight 3 through 12. And then in 2003, it became just the high 4 school, nine through 12. The students from Strong Vincent 5 were -- that's why I said, there aren't definitive -- 6 definitive lines always change. Primarily the students in 7 the Strong Vincent, quote, attendance area or the 8 Emerson-Gridley attendance area, the old middle school, 9 probably a lot of them went to Wayne or to Roosevelt in 10 2003.</p> <p>11 Q. How many students are there altogether in the Erie 12 School District? Within --</p> <p>13 A. Oh, probably 12,000.</p> <p>14 Q. 12,000. And when you were at Strong Vincent as a 15 principal the last period of time, 2000 to 2003, how many 16 students were in the high school, approximately?</p> <p>17 A. Oh, 500. In the high school, nine through 12, 18 probably 500, I would say.</p> <p>19 Q. And approximately 200 in the middle school?</p> <p>20 A. Yes. Perhaps more, but that's generally correct.</p> <p>21 Q. And then prior -- I think you said prior to Strong 22 Vincent, you were in the Wayne Middle School.</p> <p>23 A. Correct.</p> <p>24 Q. And that would be grades --</p> <p>25 A. That was six, seven, and eight.</p>	<p style="text-align: right;">Page 12</p> <p>1 the student assistance program, any kind of special program 2 that went on in the building; after-school programs.</p> <p>3 Q. What was your role relative to the students in 4 special education classes as an assistant principal at 5 Wayne?</p> <p>6 A. Well, they were -- like any other students, they 7 were part of the building, like any other student. Regular 8 and special education students were part of the building. 9 When you have a special education student, you have an 10 Individual Educational Plan that has to be followed, so 11 those students are different in that way, because you have a 12 specific plan that is set forth each year and reviewed by 13 the parents and the teachers and agreed upon.</p> <p>14 Q. Typically, is there an administrator who is 15 involved in setting up the IEP meeting and devising the 16 plan?</p> <p>17 A. Generally that's taken -- generally, the IEP 18 schedule is set up by the supervisors. And there is a -- 19 each teacher is assigned -- each student is assigned a 20 teacher of record, and the supervisor works with those 21 teachers in the -- constructing the paperwork, and then the 22 teachers then have to have the IEP meeting with the parent. 23 An administrator has to sign, be present to sign.</p> <p>24 Q. The administrator is present --</p> <p>25 A. Yeah.</p>
<p style="text-align: right;">Page 11</p> <p>1 Q. And how many students were in that school?</p> <p>2 A. Probably 600.</p> <p>3 Q. When you were in Wayne, did you have an assistant 4 principal or more than one assistant principal?</p> <p>5 A. When I was employed there in 1990, I was the only 6 assistant principal. I was there from '90 to '92. Then 7 '92 to '93, I was at Strong Vincent. And then I went back 8 to Wayne after that. At times there was a second assistant 9 principal.</p> <p>10 Q. Were you an assistant principal at Wayne?</p> <p>11 A. At Wayne, yes, that's correct.</p> <p>12 Q. Okay. And would the -- in terms of, again, 13 demographics -- you know, classwise, racewise -- would the 14 children attending Wayne Middle School, would it be a 15 similar population as the children attending Strong Vincent?</p> <p>16 A. Correct.</p> <p>17 Q. And as an assistant principal at Wayne, what were 18 your duties?</p> <p>19 A. I was in -- I was in charge of the building 20 when -- in the principal's absence. I was responsible 21 largely for the daily routine of the building. I was in 22 charge of discipline of students, special programs, all 23 school projects. Anything that a principal does.</p> <p>24 Probably the thing the principal did more of and I 25 did less of were teacher evaluations. I was in charge of</p>	<p style="text-align: right;">Page 13</p> <p>1 Q. There is an administrator present at those 2 meetings?</p> <p>3 A. Yes. Been to many.</p> <p>4 Q. Pardon?</p> <p>5 A. I've been to many.</p> <p>6 Q. Administrators, are they -- is it one of your 7 duties as an administrator to be actively involved in 8 creating the IEP plan?</p> <p>9 A. Only if we have input. Generally that is created 10 primarily based upon the student's educational goals. And 11 that is done traditionally with the teacher.</p> <p>12 Q. Tell me, who was the -- when you were the 13 principal at Strong Vincent, who was the Title IX officer?</p> <p>14 A. Well, the principal is the person that is in 15 charge of implementing and making sure that all, you know, 16 policies are followed in the School District. For example, 17 the discipline handbook has all the information that 18 students receive about Title IV. And it's our 19 responsibility to make sure that those are followed.</p> <p>20 Q. Do you know, were you the officially designated --</p> <p>21 A. I don't know. But I'm certain I was.</p> <p>22 Q. But you don't know for certain -- you're certain 23 that you were, but you don't really know.</p> <p>24 A. Right.</p> <p>25 Q. Right? Is that fair?</p>

<p style="text-align: right;">Page 14</p> <p>1 A. (No response.)</p> <p>2 Q. Did someone tell you that you were?</p> <p>3 A. I have always dealt with those issues.</p> <p>4 Q. Okay. But that wasn't my question. Did someone</p> <p>5 tell you that you were?</p> <p>6 A. (Witness pauses.) I'm going to say yes.</p> <p>7 Q. And who told you that?</p> <p>8 A. I don't know. I'm thinking back to the original</p> <p>9 meetings.</p> <p>10 Q. What original meetings were those?</p> <p>11 A. No, when I was assigned the building.</p> <p>12 Q. Who assigned the building to you?</p> <p>13 A. Transfers are made and assignments are made in</p> <p>14 August or late July. And generally the assistant to the</p> <p>15 superintendent, Frank Scozzie, is the person who contacts</p> <p>16 us.</p> <p>17 Q. Was Frank Scozzie the assistant to the</p> <p>18 superintendent then --</p> <p>19 A. Yes.</p> <p>20 Q. -- in 2000?</p> <p>21 A. Yes. Sorry. I answered too quick.</p> <p>22 Q. But you don't recall a specific conversation with</p> <p>23 him where he told you that you were the Title IX</p> <p>24 coordinator; is that right?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 16</p> <p>1 We had a lot of -- a lot of presentations</p> <p>2 throughout the 13 years I was there. There were many. It</p> <p>3 was always at the forefront of our minds.</p> <p>4 Q. Well, do you recall receiving handouts or, you</p> <p>5 know, documents describing what the law was?</p> <p>6 A. Yes.</p> <p>7 (Discussion held off the record.)</p> <p>8 (Recess held from 11:00 a.m. till 11:02 a.m.)</p> <p>9 Q. I think I was asking you about --</p> <p>10 A. Go ahead.</p> <p>11 Q. -- the literature that you received from these</p> <p>12 sexual harassment courses. Were there handouts and stuff?</p> <p>13 A. Always. Summaries of -- summaries of -- summaries</p> <p>14 of the presenter's points that he wanted to make with us.</p> <p>15 Q. Did you retain any of that?</p> <p>16 A. I took early retirement and disbursed all of my</p> <p>17 things to young administrators. If they didn't have it, it</p> <p>18 was disbursed.</p> <p>19 Q. Okay. When you were the assistant principal at</p> <p>20 Wayne, were there occasions when you dealt with sexual</p> <p>21 harassment issues involving students?</p> <p>22 A. I don't recall -- I don't recall at Wayne. That's</p> <p>23 a pretty specific question to that time period.</p> <p>24 Q. I don't understand.</p> <p>25 A. Make it a broader question. Have I dealt with</p>
<p style="text-align: right;">Page 15</p> <p>1 Q. In the course of time that you were at Erie from</p> <p>2 1990 to 2003, did you ever receive training on sexual</p> <p>3 harassment, peer-to-peer sexual harassment?</p> <p>4 A. Yes.</p> <p>5 Q. What training did you receive?</p> <p>6 A. Very frequently -- we had inservices. Principals</p> <p>7 had meetings throughout the year. We had inservices at the</p> <p>8 beginning of each school year. We were employed at the</p> <p>9 beginning of August. So we would have inservices at that</p> <p>10 time, and throughout the year we would have inservices.</p> <p>11 And one of the topics that very frequently came</p> <p>12 up, we would have attorneys come and talk to us about sexual</p> <p>13 harassment, federal laws, state laws, mandates, cases in</p> <p>14 point, throughout the year.</p> <p>15 Q. And do you remember which attorneys made those</p> <p>16 presentations?</p> <p>17 A. Would you --</p> <p>18 Q. Do you remember which attorneys made those</p> <p>19 presentations?</p> <p>20 A. Jennifer Gornall-Rouch made presentations. A</p> <p>21 gentleman named Bernie Hoffman, and I -- don't hold me to</p> <p>22 the last name. Bernie Hoffman came and talked to us about</p> <p>23 current litigations, about sexual harassment or harassment.</p> <p>24 Bernie came and talked to us, I remember, once after</p> <p>25 Columbine, for example.</p>	<p style="text-align: right;">Page 17</p> <p>1 sexual harassment cases or --</p> <p>2 Q. It was at Wayne, yeah. I was just wanting the</p> <p>3 period of time --</p> <p>4 A. I don't recall if at Wayne.</p> <p>5 Q. Okay. Well, do you recall whether you dealt with</p> <p>6 sexual harassment cases at Strong Vincent?</p> <p>7 A. I don't recall. Without looking at my notes.</p> <p>8 Q. Do you have notes?</p> <p>9 A. No. Not here.</p> <p>10 Q. Do you have notes anywhere?</p> <p>11 A. (No response.)</p> <p>12 Q. I mean, you couldn't recall without looking at</p> <p>13 your notes. What kind of -- what kind of notes were you</p> <p>14 referring to?</p> <p>15 A. Yes, I -- while I was at Strong Vincent -- are you</p> <p>16 talking about prior to this case, or are you talking about</p> <p>17 this case?</p> <p>18 Q. Not --</p> <p>19 A. Ask the question again, Mr. Olds.</p> <p>20 Q. Not counting this case --</p> <p>21 A. Yes.</p> <p>22 Q. -- for the time being, excluding this case --</p> <p>23 A. Absolutely.</p> <p>24 Q. -- you dealt with sexual harassment at Strong</p> <p>25 Vincent?</p>

Page 20

1 Q. And aside from the events in this case, that's the
2 only incident of sexual harassment that you can think of --
3 A. The only one I can think of right off the top of
4 my head.
5 Q. While you were --
6 A. There may have been more. It's been three years,
7 you know. It is something we certainly addressed a lot.
8 But that's the one time I can think of where there was a
9 criminal record.
10 Q. When you say you addressed a lot, what do you mean
11 by that?
12 A. We addressed -- we addressed -- anytime that a kid
13 would bother somebody else, we would often address -- it
14 wasn't sexual harassment. It was just general bothering
15 somebody. Those -- those situations were addressed
16 continually.
17 That was something that was always at kind of the
18 top of my -- you know, when somebody bothers somebody else,
19 that's always been sort of a pet peeve of mine. Just no one
20 has -- kids were told, no one has permission to put their
21 hands on you without your permission, and no one is to
22 bother you. And if you need help, you say I need help.
23 Q. Well -- and when would this information be
24 conveyed? You're suggesting that you provided communication
25 to the --

Page 21

1 A. Right.
2 Q. -- students. When would that be conveyed?
3 A. Well, it was conveyed in numerous ways. At the
4 beginning of each year, each student got a student handbook.
5 I'm sure you have seen that. We went over the student
6 handbook page by page over a period of time in homeroom. I
7 had class meetings with students at the beginning of each
8 year by grade. Sometimes even in smaller groups than that.
9 Students were told if they ever need help, to ask for help.
10 They only need to say to me, I need help. Because that
11 conveys automatically that there is something that you need
12 help with.

13 Students were encouraged, if they didn't come
14 forth and need help, and they had a friend who needed help,
15 and they couldn't get the friend to come and say I need
16 help, they were to say my friend needs help. I have used
17 that method for 23 years. If the kid needs help and they
18 say I need help, they are going to get some help. If they
19 say my friend needs help, then they are going to get some
20 help.

21 Q. Well --
22 A. We also -- if I could finish.
23 Q. Go ahead.
24 A. I also reiterated that in class meetings about no
25 one is to bother you, no one can put their hands on you

Page 24

24 Q. So she had the authority to deal with student
25 complaints?

Page 25

25 A. (No response.)

Page 28

1 school-sponsored events that -- where there was a sexual
2 assault?

3 A. Other than this -- the case that we're talking
4 about at hand, correct?

5 Q. Yes.

6 A. And other than the case of the girl on the bus.
7 Q. Yes.

8 A. The boy and the girl on the bus. I'm sure there
9 were, but I can't bring them to mind right now.

10 Q. What was the School District's policy concerning
11 recordkeeping and discipline?

12 A. They -- we're talking student discipline, correct?

13 Q. Student discipline.

14 A. We had a -- a teacher has, and all of us used a --
15 it was called Discipline Referral Sheet, I believe was the
16 title at the top. Discipline Referral Sheet. We tried to
17 keep our documentation on Discipline Referral Sheets so we
18 all had a common document.

19 If there was a problem, it was documented, and
20 then it was taken generally -- depending on -- you know, it
21 was given to an assistant principal, and the assistant
22 principal would generally deal with that. I would also deal
23 with them too, but. Depends on how busy you are.

24 (Discussion held off the record.)

25 Q. And how would -- actually, maybe before I get to

Page 29

1 that, could you tell me how your role as a principal -- how
2 the duties were different than your duties when you were an
3 assistant principal. In other words, what is the difference
4 between being a principal and being an assistant principal?
5 A. You're asking me that as a principal or as an
6 assistant?
7 Q. No, I'm asking you that as a principal.
8 A. As a principal. All right. I was asked to take
9 over Strong Vincent in 2000. All right? I had been a
10 principal in PENNCREST. I preferred being an assistant,
11 because I liked working with students and parents, and I
12 didn't like going to meetings. But I was asked to be the
13 principal at Strong Vincent in 2000.
14 That role involved the complete oversight of
15 Strong Vincent. I was -- I did less discipline as a
16 principal, because you had to do a lot of other things.
17 Mainly, you had to attend all the meetings downtown. That's
18 the number one thing that's different. I would attend a
19 meeting, and the assistant principals would be in the
20 building. Assistant principals rarely went to meetings.
21 As a principal, I was in charge of the entire
22 building, the entire program, of the planning, the
23 scheduling, long-range planning for the School District.
24 Strong Vincent is now a high school, not a middle/high
25 school. And I was -- that was an enormous task that I

Page 30	Page 32
<p>1 undertook, and assistants would not do that. Assistants</p> <p>2 more -- would do more daily operation of the building in</p> <p>3 regard to students. Discipline, for example. Bussing. All</p> <p>4 the daily operational things that dealt with students, an</p> <p>5 assistant principal would take care of.</p> <p>6 Evaluation was my responsibility. The assistants</p> <p>7 helped me with that. But any terminations, any -- any kind</p> <p>8 of employment, I did all the hiring for the building. I was</p> <p>9 in charge of all extracurricular and athletic programs.</p> <p>10 I think, Mr. Olds, that the difference in a high</p> <p>11 school -- there's a greater difference in a high school</p> <p>12 between a principal and an assistant than there is in a</p> <p>13 middle school.</p> <p>14 In the middle school, there wasn't a lot of</p> <p>15 difference between the principal and myself. The principal</p> <p>16 went to meetings, but I was more in charge of the daily</p> <p>17 operation of the building.</p> <p>18 I think it differs more from middle school to high</p> <p>19 school than it does from assistant to principal in a middle</p> <p>20 school. If you follow me there.</p> <p>21 Q. Yes, I do.</p> <p>22 A. Yeah, okay. It's different. Each building has</p> <p>23 its own configuration. And that changes a lot.</p> <p>24 In a middle/high school, you don't have one</p> <p>25 athletic team, you have two complete sets of athletic teams.</p>	<p>1 student's permanent discipline record and shall be made</p> <p>2 available for inspection as required by law."</p> <p>3 What was the -- tell me -- describe this permanent</p> <p>4 student discipline record.</p> <p>5 A. You realize that that's been changed, because we</p> <p>6 weren't able to get discipline records -- like I don't think</p> <p>7 we got -- I don't think you guys were able to secure</p> <p>8 Rachel's. Because in 2003 -- you can't hold me to the date,</p> <p>9 because I'm not positive. But I would think in 2003, that</p> <p>10 summer, after I took early retirement, there was a change in</p> <p>11 that policy, and discipline records were destroyed or not</p> <p>12 kept. And I -- I don't want to address it, because I wasn't</p> <p>13 there.</p> <p>14 But this is correct in that we would request --</p> <p>15 when a student would come to enroll -- for example --</p> <p>16 Q. I'm not --</p> <p>17 A. Go ahead.</p> <p>18 Q. I'm more concerned about the student record that</p> <p>19 Erie maintained and developed. And you're saying that --</p> <p>20 you understand there was a change in policy in 2003?</p> <p>21 A. Correct.</p> <p>22 Q. Is that what you're saying?</p> <p>23 A. I think. I think that summer something changed.</p> <p>24 You know, it might have been the next summer. But I'm not</p> <p>25 positive.</p>
<p>Page 31</p> <p>1 That -- I'm oversimplifying it, so that you can understand</p> <p>2 that -- the difference between -- Central High School would</p> <p>3 have one set of athletic teams, because it's a nine through</p> <p>4 12 school district -- nine through 12 school.</p> <p>5 Strong Vincent has a middle/high school. So you</p> <p>6 had two complete sets of everything. You had two complete</p> <p>7 sets of curriculum, you had two complete sets of athletic</p> <p>8 teams. So it was different in that way, because of the</p> <p>9 configuration of the building. Not like in the middle</p> <p>10 school, where the administrators worked together because</p> <p>11 they have one common program.</p> <p>12 Q. Okay.</p> <p>13 (Discussion held off the record.)</p> <p>14 A. Go ahead.</p> <p>15 Q. I have a question on -- actually, it's Page 1 of</p> <p>16 the policy, on the introduction part.</p> <p>17 A. Okay.</p> <p>18 Q. It's the document marked 102. Right at the bottom</p> <p>19 it says, "Student discipline records will remain a part of</p> <p>20 the student's permanent files. When the student transfers</p> <p>21 to this School District, a certified copy of the student's</p> <p>22 discipline record is requested and obtained from the school</p> <p>23 entity from which the student is transferring. The same is</p> <p>24 true when the student transfers out of the Erie School</p> <p>25 District. This record shall be maintained as part of the</p>	<p>Page 33</p> <p>1 Q. Well, where were the permanent discipline records</p> <p>2 kept?</p> <p>3 A. When I was there --</p> <p>4 Q. When the policy was in effect.</p> <p>5 A. -- they were kept -- they were kept with the</p> <p>6 assistant principal. For example, if a student was in</p> <p>7 eighth grade, and let's say was going to ninth grade -- this</p> <p>8 would be a good example. If a student was in eighth grade,</p> <p>9 their discipline file would have been kept with the eighth</p> <p>10 grade assistant principal, and then it was transferred the</p> <p>11 following -- that summer to -- we did boys and girls. We</p> <p>12 had a woman, Mary Popadak, who was in charge of girls'</p> <p>13 discipline records, and then Pat Hart was in charge of the</p> <p>14 boys' discipline records, and they would have those.</p> <p>15 Now, sometimes if a student is in special</p> <p>16 education, if we referred the student, let's say, to</p> <p>17 alternative education, those records are kept down at</p> <p>18 Special Education, and they are -- if they were referred for</p> <p>19 some kind of services, like alternative education, their</p> <p>20 record might be down at Special Education.</p> <p>21 But we would still have -- the day that -- the</p> <p>22 behavior sheet -- let's say the Discipline Referral, that</p> <p>23 record is what I'm speaking of, is a Discipline Referral,</p> <p>24 would be kept with the assistant principal.</p> <p>25 Does that answer your question, Mr. Olds?</p>

Page 34

1 Q. Yes.

2 A. Okay.

3 Q. And so that was the practice when you were there.

4 A. Yes. Absolutely. And we -- a lot of times --

5 this is a, you know -- anytime a student would enter -- I

6 have to say this: Anytime a student would enter, the parent

7 would have to sign a -- and this started, I think, around

8 2000 that there was a new policy or law or something. You

9 could -- that the student had to sign -- the parent had to

10 sign, has the student ever been expelled from another school

11 district, or just something relating to discipline. I don't

12 know it verbatim. But -- you know, and you could request

13 all you want, but you don't always get things from other

14 school districts.

15 Q. Right. I understand that.

16 A. You understand that? All right.

17 Q. Some of the protagonists in this case -- did you

18 recall R[REDACTED] when you saw her today?

19 A. Oh, sure.

20 Q. So you remember R[REDACTED]

21 A. Oh, sure.

22 Q. And do you recall -- do you recall K[REDACTED]

23 A. I -- I recall her. I don't know if I'd know her

24 now. I mean, R[REDACTED] doesn't look all that different. She's

25 tall, thin, good-looking kid. I just remember K[REDACTED] was

Page 35

1 shorter.

2 Q. Was she petite? K[REDACTED]

3 A. Yeah, I'd say petite. She wasn't a big kid. She

4 wasn't a tall seventh grader.

5 Q. And what about --

6 A. R[REDACTED] was a tall middle school kid.

7 Q. What about C[REDACTED] B[REDACTED]? Do you recall him?

8 A. He was little.

9 Q. Were you ever involved in any discipline

10 concerning C[REDACTED] B[REDACTED]

11 A. Yeah. C[REDACTED] was a bad egg. You know, he was

12 a -- he was a kid that we wanted to go to alternative

13 education, because we felt that that would give him the help

14 he needed. He just was a bad egg. We wanted him to go to

15 alt. ed.

16 Q. How long was he in the school?

17 A. Hum. I don't know what grade he was in when this

18 incident happened. Probably -- seventh or eighth. I mean,

19 I knew C[REDACTED] at least one year, maybe -- maybe two.

20 Q. Was he at Wayne when you were at Wayne?

21 A. No, hum-um. I think -- I don't know where he went

22 to elementary school. See, he wouldn't have gone to

23 Wayne -- that was a middle school. So he wouldn't --

24 unless --

25 Q. He was transferred?

Page 36

1 A. Yeah, or they moved. Perhaps somebody moved to

2 the other side of town.

3 Q. And you indicated that there was a desire to send

4 C[REDACTED] to alternative ed.?

5 A. Well, once -- yes. Once a student -- when we --

6 if a student has an accumulation of behavior, discipline

7 referrals, or PASS -- Program for After-School Suspension --

8 we would try to have the student go to alternative

9 education, see if we couldn't get some intervention.

10 Q. How --

11 A. Get them straightened out.

12 Q. Yeah. How was -- tell me how that decision -- you

13 know, the decision to refer a kid to alternative education,

14 how would it come about? I mean --

15 A. Well, it's very clear in the discipline handbook,

16 you just can't -- depending on the offense -- if the

17 offense -- some offenses are serious enough that you can

18 refer a student directly to -- you can refer a student to

19 alternative education without having a prior history, let's

20 say. Some can be an accumulation of incidences.

21 Q. On how many occasions do you think you talked

22 about Charles Bibbs with Mrs. Cappabianca?

23 MR. MARNEN: During that school year, you mean?

24 MR. OLDS: During that school year.

25 A. During that school year? That fall, I wouldn't

Page 37

1 have any idea. I talked to her every single day at -- at

2 lunchtime, I met with her prior to school very briefly.

3 Usually I would touch base with her in the morning. But I

4 would talk with Linda a lot after school, because she was --

5 she and one of the other -- well, the assistants were in

6 charge of the program for after-school suspension. So we

7 talked about a lot of kids. I wouldn't have any idea how

8 many times I talked about a particular kid.

9 Q. Okay.

10 A. But a lot. I mean, we talked every single day.

11 Especially after school, after 3:30, after students were

12 gone. She was there until 6:30 for the PASS program. I was

13 there till 9:00 or -- 9:00 or midnight, so.

14 That's all we talked about, were kids. That's all

15 we talked about, was programming.

16 Q. Was C[REDACTED] B[REDACTED] expelled, to your knowledge?

17 A. No. He was not expelled.

18 Q. Was he ever disciplined for conduct arising out

19 of -- for conduct -- his conduct relative to R[REDACTED] P[REDACTED]

20 and K[REDACTED] L[REDACTED]

21 A. Well, through the --

22 MR. MARNEN: Do you mean the sexual assault?

23 MR. OLDS: Right, the sexual assault, yes.

24 A. What is the question again?

25 Q. Was he disciplined?

Page 38

1 A. That incident did not happen on school property.
 2 Q. Okay.
 3 A. Could I --
 4 Q. Go ahead.
 5 A. Let me just finish. That incident did not happen
 6 on school property. So, unfortunately, none of it falls
 7 under the -- under the Discipline Code. You know. That
 8 incident happened -- we're talking about the incident on the
 9 19th of December, are we not?
 10 Q. Right. And there was another incident on
 11 January 7th.
 12 A. Yeah, we -- we were not made aware of that
 13 incident until later in that week, and that's when the whole
 14 thing kind of started to piece together, and we were able to
 15 talk to all the parents and talk to the girls and talk to
 16 Mr. Bibbs.
 17 When I met with -- I remember when I met with
 18 Mr. B relative to that incident -- and, trust me, I was
 19 looking for something that he did on school property. I was
 20 looking for something in that whole mess. But none of that
 21 happened on school property, and we weren't aware of it.
 22 But when I talked to the father -- and that was
 23 the first time I had ever talked to the father. We had
 24 always talked with the mother prior to that. We talked to
 25 the father, and I let him know in no uncertain terms that if

Page 40

1 property, at any school-sponsored activity, including
 2 graduation, dances, field trips, et cetera, on any public
 3 conveyance providing transportation to a school or
 4 school-sponsored activity, and for students going to and
 5 returning from school," end quote.
 6 Now, he was in PASS and going home on the incident
 7 where he assaulted K and R, wasn't he?
 8 A. Correct.
 9 Q. So this student behavior could have been
 10 interpreted to cover that activity; is that right?
 11 A. Well, there was more than one incident here.
 12 Q. Right.
 13 A. Apparently two. And --
 14 Q. In fact, wasn't he going home from PASS on both of
 15 those incidents? He was going home -- he had just been
 16 released from PASS when those incidents occurred. I mean,
 17 is that your understanding of what happened?
 18 A. Well, generally, yes. But when I -- because it
 19 was off school property -- it was off school property. And
 20 they had wandered -- I'm talking about the 19th of December;
 21 the one that we -- when we finally found out about it,
 22 around, oh, the 9th of January, we started talking to the
 23 kids about this incident that had happened in December.
 24 These students hung around a long time -- in fact,
 25 I don't know if one student had even gone home and come back

Page 39

1 I could pursue criminal charges, they were going to be done,
 2 and that we had the police involved in the -- in the
 3 incident that happened over in the Laundromat.
 4 And that father -- we didn't even talk about the
 5 AEP thing, because we had talked to his mother about that
 6 and couldn't get her to go for it. But the reality was, the
 7 father never brought that kid back to school. And I had to
 8 go hunting for him to know where he was.
 9 Q. You didn't know where he was, right?
 10 A. Well, we -- I finally got it down to he had tried
 11 to enroll in Faith Assembly of God up on Oliver Road. But
 12 we couldn't get anyone at the house. We sent the homeschool
 13 visitor out. I remember it was -- you know, because he is
 14 still -- he is still on our books. He was still our
 15 student. We still had -- he was a special education
 16 student, he was still our student, he was on our books, and
 17 we had a heck of a time. I sent the homeschool visitor to
 18 try to find him. We had a heck of a time trying to even
 19 keep track of him. I didn't want to -- you know, you just
 20 can't lose track of a kid.
 21 Q. Okay. Would you go to Page 12 of this Exhibit C.
 22 A. (Witness complies.) Yep.
 23 Q. At the top of that, it says Student Behavior, and
 24 I'm going to read. "All provisions regarding student
 25 behavior are applicable to students while on school

Page 41

1 or if they -- I don't know if all the kids had come from
 2 PASS. But a couple kids were waiting for rides. But they
 3 were in the Laundromat.
 4 Q. Right.
 5 A. They were in the Laundromat, they were -- had
 6 walked over on school property, they had walked down to 7th
 7 Street. Quite a bit of time had passed. Because they --
 8 when we talked to the students, they weren't just in one
 9 place on their way home. They were actually down on 7th
 10 Street --
 11 Q. Okay. But I'm talking about C and B. Is it
 12 your understanding that he was released from PASS and he
 13 went across the street and assaulted K and R?
 14 A. Correct.
 15 Q. Okay. And I think you indicated in your testimony
 16 that you were looking for a way to expel him. Is that
 17 right? Or discipline him?
 18 A. Well, I was interested in -- I don't want any bad
 19 eggs in my school. Why would I want to keep somebody in the
 20 building that might interfere with the education of your --
 21 of your child.
 22 Q. Okay.
 23 A. I'm not going to try to keep somebody in that
 24 building.
 25 Q. Okay. But you did not bring -- institute

Page 42

1 discipline proceedings against C [REDACTED] B [REDACTED] for either one
2 of the two incidents that involved R [REDACTED] or the incident
3 that involved K [REDACTED]

4 A. That's correct. But I wasn't -- when I -- when we
5 became aware of the situation, when things started to --
6 when Rachel had her -- R [REDACTED] had an outburst in class, and
7 that's how it started. R [REDACTED] talked to us -- talked to me
8 and talked to Mrs. Cap, and we were able to finally start
9 realizing that there was something that had gone on over at
10 the Laundromat. And then we found out that B [REDACTED] C [REDACTED]
11 was coercing, was forceful. Another bad egg. And that
12 A [REDACTED] K [REDACTED] was involved.

13 We realized it was what I thought was -- you know,
14 I'm an armchair -- I'm not a policeman. I'm just an
15 armchair observer -- of criminal nature. And we got enough
16 credible evidence, we called the police in, talked to the
17 parents, called them -- got the parents in first, talked to
18 the kids, talked to the parents, and then -- and by that
19 Friday morning, I had the police in my office.

20 I had called downtown on -- after I talked to
21 R [REDACTED] and realized that we had this situation on our
22 hands. And I was interested in finding out something --
23 like I just stated, I was interested in finding something
24 that happened on school property, because that would have
25 given us all the ammo we needed to get some of these

Page 44

1 have, I want as a matter of record.

2 And so when the police come, we give them the
3 information, and -- because it was not -- it was not
4 something that happened on school property, and it wasn't
5 something that happened under my jurisdiction.

6 Q. Okay.

7 A. I couldn't pursue it to alternative education, I
8 couldn't pursue the criminal charges.

9 Q. And who told you that? Who told you, you couldn't
10 pursue it?

11 A. Either -- either Mr. Scozzie or Dr. Linden. They
12 said, wait until the police have finished their report,
13 because it didn't take place on school property.

14 Q. Did you tell them that, look, it happened when the
15 students were going to and returning from school and, that,
16 therefore, it's within the jurisdiction of the discipline
17 rules?

18 A. I don't think at that time it was viewed as they
19 were returning -- going to or from school. It happened
20 after PASS. But I don't think all the students were -- I
21 think Rachel lived right down the street.

22 Q. But she wasn't -- she wasn't the assailant.

23 A. Correct.

24 Q. Rachel wasn't the assailant, was she?

25 A. No.

Page 43

1 eggheads out.

2 But when you talk -- when I talked to the guys
3 downtown, we had -- because it was that far off school
4 property, and because of the time lapse, it -- they said,
5 it will -- you will have to wait until the police does their
6 investigation before we can see if there's any grounds for
7 us to press criminal charges on B [REDACTED] or K [REDACTED] or B [REDACTED]
8 as far as the school goes.

9 Q. Who did you talk to downtown?

10 A. I talked to Dr. John Linden, the assistant
11 superintendent, and to Frank Scozzie, the assistant to the
12 superintendent. I may have also talked to Dr. Bob Oliver.
13 I don't recall if he was in that position yet or not. Those
14 were -- those were the standard two calls I made, to the
15 assistant superintendent and the assistant to the
16 superintendent. Mr. Scozzie is also in charge of special
17 education, so.

18 Q. Did you take notes, make notes when you had these
19 conversations or when you met with students?

20 A. I took notes, but they would not have been kept,
21 because they were -- any -- any recording that we --
22 anything that I -- we have students write stuff down with a
23 witness there and sign it. But anything that I have, I make
24 sure that that is translated into a -- into the police
25 report. I don't keep separate anecdotal notes. What I

Page 45

1 Q. Would there be any reason to discipline Rachel?

2 A. No. Not at all.

3 Q. You mentioned B [REDACTED] C [REDACTED] as one of the --

4 A. Yeah.

5 Q. -- protagonists here. Was she a bad egg also?

6 A. She was a bad egg. She was a student that needed
7 disciplined.

8 Q. Was she ever expelled as a result of this incident
9 or anything pertaining to R [REDACTED]

10 A. No.

11 Q. Was she ever disciplined for anything pertaining
12 to Rachel?

13 A. You're talking about school discipline here,
14 right?

15 Q. School discipline.

16 A. No. All -- all criminal charges were handled
17 through -- and we supported absolutely every way we could.
18 But as soon as we knew about it, I think that -- that is all
19 I did for three days, I'm telling you. That is all I did.
20 We learned about it when R [REDACTED] blew up in Miss Scully's
21 room and told us what had happened. That is all I did for
22 three days; was try to piece this together.

23 And by Friday morning -- that happened on
24 Wednesday. And by Friday morning, we had all the kids'
25 statements, we had all the parents' statements -- except not

Page 46

1 Mrs. L [REDACTED] because K [REDACTED] was in the hospital. But we had
2 all of the statements from all of the kids and their
3 parents. Although Mrs. L [REDACTED] Denise, did come and talk to
4 me. And that was helpful also, because we were able to add
5 that piece to the puzzle.

6 And by Friday morning, we had all the information
7 that we thought was credible, so that we could give it to
8 the police, and we knew the police were going to act right
9 there and right then.

10 Q. You indicated that you had statements from the
11 students. What form did those statements take?

12 A. We have students write it down, and then --

13 Q. And where are the -- have you ever seen those
14 statements since the students wrote them down?

15 A. The only one -- and, again, I know a lot of the
16 stuff ended up getting pitched after I was gone, because of
17 the change in the discipline thing about keeping notes,
18 those anecdotal. The only one I've seen in the documents
19 that you have -- that Mr. Marnen has is from, I believe,

20 A [REDACTED] F [REDACTED]

21 THE WITNESS: Is that right?

22 A. A [REDACTED] [REDACTED] sic].

23 Q. So the other students did statements, but they
24 were pitched.

25 A. Well, they gave -- now, the police --

Page 48

1 Q. Right. Where are the others?

2 A. I don't know. I'm not -- I don't know that every
3 student would have written a statement. We would have had
4 the information, we would have had the parent in and gone
5 over the information with the parent. And I know that all
6 information -- we repeated the whole scenario again; the
7 conversation with the police and the student there, and
8 sometimes the parent was there talking with the policeman at
9 the same time.

10 Q. Now, did you make notes as the students talked?

11 A. Probably. I generally take notes while a student
12 talks. But I don't do the kind of documenting you're doing.

13 Q. Right.

14 A. I'm more interested in ascertaining information
15 and knowing what to do with that information.

16 Q. Do you know where those notes are?

17 A. My notes would be gone.

18 Q. And who destroyed your notes?

19 A. I would have destroyed them myself.

20 Q. When?

21 A. After the police were there. I wouldn't keep that
22 information. Now --

23 Q. Go ahead.

24 A. Linda Cap had her own set of notes. I mean, you
25 know, but that's -- you know.

Page 47

1 Q. Please. I want to know what they gave to you.
2 The other students actually wrote statements, you're saying?

3 A. They gave -- and they gave -- all of that stuff
4 went to the police.

5 Q. Okay.

6 A. All -- everything went to the police.

7 Q. Well, if the police don't have it, does that mean
8 that you didn't give it to the police? I mean, we got the
9 statement from A [REDACTED] F [REDACTED] from the police.

10 A. From the police.

11 Q. Right. So it's your testimony here today that you
12 met with the students for three days, and that each student
13 wrote a statement.

14 A. My -- every student met with the police. I'm not
15 certain that every student would have written it.

16 Q. Wait. You met with students for two days.

17 A. Correct.

18 Q. And is it your testimony that those students wrote
19 statements?

20 A. Some of those students wrote statements.

21 Q. Which students wrote statements?

22 A. I don't know. I know A [REDACTED] F [REDACTED] did.

23 Q. And where are those statements?

24 A. Well, you just stated that the police had
25 Antonio's.

Page 49

1 Q. You say that this incident broke when R [REDACTED] had
2 an outburst in Miss Scully's class?

3 A. Right.

4 Q. Now, R [REDACTED] had not presented any behavioral
5 problems before that time; is that correct?

6 A. Oh, she was hardheaded. She -- R [REDACTED] sometimes
7 had her own -- she would -- not hardheaded. Maybe that's
8 too -- occasionally obstinate. How is that? That's not
9 hardheaded. Occasionally obstinate would be a better choice
10 of --

11 Q. She couldn't be compared to C [REDACTED] B [REDACTED] could
12 she, in terms of behavioral problems?

13 A. No. No.

14 Q. Or B [REDACTED] C [REDACTED]

15 A. No. No. They were -- they were discipline
16 problems.

17 Q. What about K [REDACTED]? Did she present behavioral
18 problems?

19 A. No. K [REDACTED] and R [REDACTED] were pretty typical kids.
20 They were -- few problems here and there, but nothing --

21 Q. Let's mark this as Exhibit 2. I mean, this will
22 be Exhibit 1. I'm sorry.

23 (Woods Deposition Exhibit 1
24 marked for identification.)

25 Q. Have you ever seen Exhibit 1 before?

Page 50

1 A. I have.

2 Q. And who prepared it?

3 A. Linda -- this is Linda Cap did this. And I had

4 her prepare this so that we had something in just brief --

5 something that was as accurate as we could get it, to have

6 it ready for the police. And I probably sent this downtown.

7 Q. Okay.

8 A. I see it has a fax --

9 MR. MARNEN: Does "downtown" mean police or to the

10 administration?

11 A. Excuse me. Downtown means the downtown

12 administration. It would be Dr. Linden and Dr. Scozzie.

13 Q. And that number up there, 871-6374 --

14 A. We have changed phone numbers. We're now an 874

15 exchange. I don't know. It could be.

16 Q. Okay. That's okay.

17 A. Although it would have been before that date.

18 Q. So Linda Cappabianca prepared this.

19 A. I'm pretty sure. Um-hum. Yep.

20 Q. Well, I'd like to draw your attention to the third

21 paragraph on that first page. "R[REDACTED] is now being taunted

22 by B[REDACTED] at school. B[REDACTED] is bothering her to perform the

23 acts on other male students. On Monday, 1/7/02, there was a

24 second incident. R[REDACTED] was at the water fountain. B[REDACTED]

25 was in the hall asking R[REDACTED] to give head to a male student

Page 51

1 that walked by. R[REDACTED] refused. According to R[REDACTED], B[REDACTED]

2 had shoved her down into the stairwell and pushed her to

3 follow the male student. R[REDACTED] walked down the stairs in

4 the same direction as the male student, but nothing had

5 happened."

6 That information came to your attention during the

7 course of this investigation?

8 A. Right. When -- after R[REDACTED] had come down from

9 Miss Scully's room and we talked about -- well, a lot of

10 things kind of unraveled there. Both of these incidences,

11 the one on the 19th of December and this one, came out in

12 that conversation. This -- we didn't know about this before

13 that. We didn't know about it on the 7th, I can tell you.

14 Q. Now, this incident that happened on Monday,

15 March 7th [sic] that I have just read about, that did happen

16 on school property, right?

17 A. Yes.

18 Q. And that is -- you wouldn't dispute that that's

19 sexual harassment, would you?

20 A. What page is sexual harassment on here? (Brief

21 pause.) That is sexual harassment.

22 Q. Okay.

23 A. Absolutely.

24 Q. But B[REDACTED] wasn't disciplined -- or there was no

25 initiation of anything under the discipline policy against

Page 52

1 B[REDACTED] C[REDACTED] for that incident, was there?

2 A. We didn't know about this until the 9th, and then

3 we called the police.

4 Q. Well, after the 9th, did you institute any

5 disciplinary action against B[REDACTED] C[REDACTED] for that

6 incident?

7 A. I don't recall.

8 Q. If you did institute some kind of discipline

9 action against B[REDACTED] C[REDACTED] for that incident, would it

10 appear -- would you assume that it would appear in her

11 discipline file -- in her file?

12 A. Well, it might not have, because we had given the

13 police a lot of information about the -- this incident up

14 here (indicating). And the charges actually came down, and

15 we knew that there were going to be very, very large assault

16 charges, and, you know, we knew that this girl was going to

17 be sent away. I mean, there was --

18 Q. You didn't know that on January 9th, did you?

19 A. Boy. I couldn't see how it could not -- no. The

20 charges hadn't been filed. I don't know when they filed

21 charges. I mean, we asked them to file charges.

22 Q. B[REDACTED] C[REDACTED] stayed in school after that

23 incident. Isn't that right?

24 A. She was in school --

25 Q. She was not suspended, she was not expelled, there

Page 53

1 were no expulsion proceedings commenced against her. Is

2 that right?

3 A. Not at that time.

4 Q. Okay.

5 A. But there were criminal charges --

6 Q. After --

7 A. There were criminal charges.

8 Q. I want to know what the School District did. I

9 don't want to know what the Erie Police did.

10 A. Right.

11 Q. I want to know --

12 A. Well, they may have filed charges. I don't

13 think --

14 Q. Who is "they"?

15 A. The police department.

16 Q. Okay. What I want to know is what the School

17 District did. And --

18 A. Go ahead.

19 Q. You didn't -- you didn't discipline B[REDACTED]

20 C[REDACTED] did you?

21 A. I don't -- I don't know. I don't remember.

22 Q. Well --

23 A. This would be --

24 Q. Go ahead.

25 A. I don't know if I can say this. I would have to

Page 54

1 look at this and decide if this is harassment or sexual
2 harassment. That's what I was looking for. Because there's
3 a difference between -- you know, there is a huge difference
4 between the two.

5 Q. Right. Well, trying to get someone to perform
6 oral sex in the school, do you think that might be sexual
7 harassment?

8 A. Well, that's a sexual nature. Absolutely. It's
9 sexually inappropriate behavior, it's harassment.
10 Absolutely.

11 Q. Now, what about the student who --

12 A. There were charges -- there were charges -- I am
13 99 percent sure there were charges filed in this, but not
14 with the School District. I see what you're asking. Go
15 ahead.

16 Q. What about the male student who walked by? Was
17 that -- did you ever question that student?

18 A. No. This information came to us by R [REDACTED] And
19 there -- I -- and this -- this, obviously, was taking -- the
20 19th was taking precedent, because we knew there were
21 some -- there were assaults. And we weren't able to
22 ascertain who those students were. There were a couple of
23 students. And nobody seemed to know -- have names, or we
24 would have had names in here.

25 Q. Okay.

Page 55

1 A. Because we had lot of names in here, and that's --

2 Q. Okay. Now, you indicated that R [REDACTED] had this
3 outburst in Miss Scully's class. And then did she meet with
4 you and Miss Cappabianca, or did she meet with
5 Mrs. Cappabianca first?

6 A. She went -- Mrs. Scully's room is right across the
7 hall from Miss Cap's room. And Rachel went over there,
8 talked to Miss Cap, and then Miss Cap right away brought her
9 down to me.

10 Q. Okay. Now, did Miss Cap tell you that she had
11 actually learned about the sexual activity before Christmas?

12 A. Pardon me?

13 Q. Did Miss Cap tell you -- Miss Cappabianca tell you
14 that she had learned about the sexual activity involving
15 K [REDACTED] L [REDACTED] before Christmas?

16 MR. MARNEN: About the assault, you mean?

17 MR. OLDS: About the sexual activity, yes.

18 A. On --

19 MR. MARNEN: Well, there's a difference.

20 THE WITNESS: Yeah.

21 MR. MARNEN: Are you saying sexual activity
22 generally, or the assault?

23 MR. OLDS: Well, we'll break it down.

24 Q. Did she tell you that she learned about the
25 assault before Christmas?

Page 56

1 A. We did not know about that assault before
2 Christmas.

3 Q. Did she tell you that she learned that --

4 A. No.

5 Q. -- she had information that K [REDACTED] L [REDACTED] was
6 engaged -- involved in some kind of sexual activity before
7 Christmas?

8 A. A couple days before it was -- let's see. The
9 last day of school, then, was Friday the 21st. So back up
10 one day. We had found out -- we -- this incident allegedly
11 happened on the 19th. All right. We found that out in
12 January.

13 On the 20th, after school, I walked out into the
14 main hallway and saw Mrs. Cap talking -- or Miss Cap talking
15 to K [REDACTED]. And I was on my way to do something else,
16 and -- and when I came back to my office, she said, I want
17 to talk to you about -- you know, and we always got
18 together, every day after school at some point before she
19 went home for the day, I spent time with each of the three
20 assistant principals.

21 And she says -- and so she went down through a
22 list of things that we had to cover. And she said that she
23 had overheard some -- there was some hall talk, we call
24 it -- you know, it was hall talk. She overheard some kids
25 in the hall talking about Kristina and Charles and of them

Page 57

1 being engaged in some kind of sexual activity.

2 I said, well, who have you talked to. She said,
3 well, I talked to K [REDACTED] and she says -- and she's gone
4 down to PASS to talk to C [REDACTED] and C [REDACTED] said, well, she
5 likes me; that's why she's saying those things. Meaning,
6 K [REDACTED] likes me, that's why she's saying those things. I
7 said -- you know, we discussed if we should keep our ear to
8 the ground, if it was credible, and she said, well, let's
9 wait and see.

10 Well, C [REDACTED] wasn't even in school the next day.
11 That was the day before their Christmas vacation; the kids'
12 Christmas vacation. And that was about all we had -- we
13 didn't hear anything else. That would be something that I
14 would have said to her; just keep your ear to the ground and
15 see if you think there's anything else to it. And naturally
16 we would pursue it if we thought there was something to
17 pursue.

18 We did find out, though, when R [REDACTED] left
19 Miss Scully's room and started talking to Miss Cap and then
20 she came down and talked to me -- and she was very
21 forthright in -- in telling us about these couple of
22 incidences, and that's what got the ball rolling.

23 (Discussion held off the record.)

24 (Recess held from 12:01 p.m. till 12:07 p.m.)

25 Q. So I want to get back to this conversation before

Page 58

1 the Christmas break. I think you indicated that Miss --
 2 sometimes when we say Cap, Miss Cap, we're talking about
 3 Mrs. Cappabianca, right?
 4 A. Yes.
 5 Q. Linda Cappabianca.
 6 A. Right.
 7 Q. I think you said that she came to you and said
 8 that she heard hall talk. And that -- about K [REDACTED] and
 9 C [REDACTED] B [REDACTED]. Is that right?
 10 A. Um-hum.
 11 Q. And that the hall talk centered on the fact that
 12 there was some sexual activity between the two of them. Is
 13 that right?
 14 A. Yeah.
 15 Q. Okay. And --
 16 A. That's our -- that was what we ascertained from
 17 what she heard, yeah.
 18 Q. Okay. And then she had a conversation with
 19 K [REDACTED]. Is that right?
 20 A. Yeah. I saw her talking to K [REDACTED] in the hall
 21 after -- I think it was right after school, because I was
 22 going down the hall.
 23 Q. And, in fact, is it true that Linda Cappabianca
 24 told you that K [REDACTED] said there had been sexual contact
 25 between her and C [REDACTED] B [REDACTED]?

Page 59

1 A. What Linda told me was -- what Mrs. -- Miss Cap
 2 told me was that she had overheard some hall talk, and she
 3 was talking to K [REDACTED] after school, and said, is this true
 4 or something, and K [REDACTED] said yes. And Cap normally then
 5 would, like, call the mother and inform me, and we would try
 6 to talk to the other kid and see if we could -- you know.
 7 But, again, they are middle school kids, and so you try to
 8 listen with a discriminating ear.
 9 Q. Now, you indicated -- you made a statement in
 10 there that -- you attributed a statement to C [REDACTED] B [REDACTED]
 11 saying C [REDACTED] said something to the effect that she's just
 12 saying that because she likes him. Is that right?
 13 A. That -- I didn't ask that. I think -- because I
 14 said to Cap, go talk to C [REDACTED] and she -- or she had
 15 talked to C [REDACTED].
 16 Q. Okay.
 17 A. And then she reported back to me and said, well --
 18 Q. So essentially --
 19 A. Because I think he was in PASS too or something.
 20 Q. K [REDACTED] said something happened, and C [REDACTED]
 21 denied anything happened. Is that what you -- came from
 22 that?
 23 A. Yeah.
 24 Q. Now, did you -- you indicated that C [REDACTED] was a
 25 bad egg. Did you trust him?

Page 60

1 A. (No response.)
 2 Q. Was he honest?
 3 A. Yeah. I -- he was the kind of kid that sometimes
 4 he told the truth and sometimes he didn't. Like a lot of
 5 kids, sometimes -- generally they tell the truth and
 6 sometimes they don't tell the truth.
 7 C [REDACTED] was the kind of kid that you always -- he
 8 had a -- he had a discipline record. He would -- he would,
 9 you know, talk out of turn in class, and he would -- I mean,
 10 you always took everything --
 11 Q. We know that the discipline record involved theft,
 12 right?
 13 A. At school?
 14 Q. Stealing from teachers? Stealing from teachers?
 15 A. I think he took some stuff off a teacher's desk or
 16 something, yeah.
 17 Q. Had you spent much time with C [REDACTED]
 18 A. Relative to other kids?
 19 Q. Yeah. In the sense that had you had him in your
 20 office, trying to talk to him, trying to deal with him,
 21 trying to change his behavior? Had that problem come up to
 22 your office?
 23 A. I -- I was in the meeting when we were trying to
 24 have him admitted to alternative education. I was in the
 25 meeting with his mother and Charlise Moore, who was the

Page 61

1 supervisor of special education. I was aware of -- I had
 2 talked to Charles, I'm sure.
 3 Miss Cap was in charge of the seventh and eighth
 4 graders, and I had two other assistants that each had half
 5 of the high school. And Miss Cap was very capable of taking
 6 care of -- of the number of kids that she had. If ever she
 7 needed help, she would ask.
 8 But I -- I probably talked to C [REDACTED] as well as
 9 other students. I mean, I -- but my position in that
 10 school, as I have stated, was -- wasn't such that I could do
 11 discipline that I was accustomed to doing when I was
 12 assistant principal. I mean, I certainly knew how to do all
 13 that, but.
 14 You know, there's 12 hours in every working day,
 15 or 15, and you just don't -- but I knew C [REDACTED]. And
 16 C [REDACTED] could be charming. C [REDACTED] was a very, very social
 17 kid. That was probably 90 percent of his problem, as a
 18 seventh grader. Or eighth grader. He was just a -- a
 19 middle school kid. He was just very social. He was very
 20 social.
 21 Q. Now, do you know whether Miss Cappabianca talked
 22 to B [REDACTED] C [REDACTED] before Christmas about what had happened
 23 the night on December 19th?
 24 A. No. We didn't -- we weren't aware of that
 25 incident until after Christmas. We weren't aware of that

Page 62

1 incident until school was in for a few days. After the New
 2 Year.
 3 Q. Now, describe K [REDACTED] in terms of -- you recall
 4 K [REDACTED]
 5 A. Yeah.
 6 Q. Describe --
 7 A. I'm not sure I'd recognize her if she walked in,
 8 though. She was pretty -- she was a little -- she was kind
 9 of a --
 10 Q. She's changed a little since then.
 11 A. Yeah, she's changed. She would have had to have
 12 changed, because she's an adolescent. Grows a lot.
 13 Q. Describe her personality and her characteristics
 14 as you recall them.
 15 A. Nice, sweet kid.
 16 Q. Do you know -- she was a special ed. student; is
 17 that right?
 18 A. Yes. These were all special education students.
 19 Q. Did K [REDACTED] have -- do you recall what specific
 20 special ed. -- what specific problems she had that resulted
 21 in her being in special ed.?
 22 A. I think she had -- was in the learning disabled
 23 program. Learning support.
 24 Q. And do you recall what her learning disability
 25 was?

Page 63

1 A. No.
 2 Q. Do you recall in terms of her ability to express
 3 herself, whether she could?
 4 A. Oh, yes. She was -- she was just a typical kid.
 5 Q. Now, I think that you indicated that you had
 6 received lots of training on sexual harassment. Is that
 7 right?
 8 A. We -- right.
 9 Q. Did that training -- did you ever learn whether
 10 children who have been victimized have problems talking
 11 about it?
 12 A. I -- that's -- I know that. Not from my training.
 13 I know that as just a -- I also have a Master's in
 14 counseling. I mean, I -- that's correct. Absolutely.
 15 Q. Now, after you talked to Miss Cappabianca about
 16 this conversation she had before Christmas with K [REDACTED]
 17 you said that you guys decided to wait and see what else
 18 happened? Is that right?
 19 A. Well, her -- her standard practice would have been
 20 to contact the parent -- I mean, like we talked about the
 21 kids at Wayne, or any middle school kid. You try to keep
 22 parents informed, especially those who are young kids.
 23 And -- well, even high school kids. But there -- anything
 24 of that nature.
 25 But at that point she would have -- I would not

Page 64

1 have. She would have contacted -- maybe contacted the
 2 parent. I know that she was in -- Mrs. L [REDACTED] was in school a
 3 lot. I remember seeing Mrs. L [REDACTED] off and on at school. And
 4 I know that she -- Miss Cap had conversations with her, as
 5 she did with many parents. I mean, I've had probably
 6 conversations with Mr. P [REDACTED]
 7 I mean, we just had -- it wasn't a really big
 8 class, and so we were in contact with parents a lot. Like I
 9 said, it's really important that those middle school kids
 10 are off to a good start, because they are going to be there
 11 six years hopefully and -- and going to graduate.
 12 Q. But you don't know that she did talk to
 13 Miss L [REDACTED]
 14 A. I wouldn't know -- I wouldn't have been -- I
 15 wouldn't know that. If she talked to her that day or --
 16 Q. Now, you indicated that you remember talking to
 17 Miss L [REDACTED] Was it about this incident? The assault?
 18 A. Actually, Denise came in --
 19 THE WITNESS: And you correct me if I'm wrong.
 20 Your sister came with you to school. I'm sorry,
 21 she can't -- I'm sorry. I'm sorry. I don't know
 22 the rules here, Denise.
 23 Q. But anyway --
 24 A. Yeah. On the 7th, when this unfolded, we talked
 25 with as many students as we knew. And you've got a good

Page 65

1 list here.
 2 Q. Excuse me, on the 7th or on the 9th?
 3 A. On the 9th. Excuse me.
 4 Q. On the 9th.
 5 A. Regarding the incident on the 19th and then the
 6 incident on the 7th. But mostly it was about the 19th.
 7 This is the one that we were focusing on. We talked to as
 8 many students as we could.
 9 And Mrs. L [REDACTED] had called earlier in that week to
 10 request work, I know, for K [REDACTED]. Because we have a form
 11 that we fill out when somebody is requesting work. And she
 12 called to tell us that K [REDACTED] was in Millcreek. And so
 13 they had requested work. And we also have to have that
 14 information for attendance purposes. So that's why I would
 15 know that there was work being requested, because we would
 16 have to have it for attendance purposes. And so that we
 17 could mark the student present, but in a different setting.
 18 What was the question?
 19 Q. Well, she came -- you recall an encounter or
 20 meeting with her.
 21 A. Oh, Mrs. L [REDACTED] Mrs. L [REDACTED] came in on -- it was
 22 either late on the 9th or it was the 10th. I kind of think
 23 it was the 10th, because we talked to R [REDACTED] and a lot of
 24 students. I mean, I had students in and out of my office
 25 for just about two days. And I know in the middle of that

Page 66

1 somewhere, Mrs. L [REDACTED] came with her -- I believe it was with
2 her sister. Because I had not met her. And then informed
3 us -- I guess K [REDACTED] had talked to her at the hospital.
4 And so we got that important piece of information.

5 And at that time I told her that the -- that our
6 intent was to pursue criminal charges, but we couldn't do it
7 until we had all -- the information from all the kids and we
8 had talked to the parents and felt that we were -- I knew we
9 were going to do it, but I felt we were going to do it
10 Friday.

11 My goal was to get everything -- when something
12 unfolds on a Wednesday, and you have this kind of incident,
13 you want to get to Friday just as quick as you can with this
14 information on Friday morning so you have the police
15 involved. You don't want Friday to come and go and not have
16 done everything, absolutely everything you could. And you
17 want to do it quickly so that you didn't have all these kids
18 yapping to each other about changing their stories or
19 something.

20 I mean, we had kids in there, I had every single
21 person at my disposal working on this so that Friday
22 morning -- my goal was Friday morning to have the police at
23 my desk. And I remember calling the police on Thursday and
24 setting up a time for them to come Friday morning. And we
25 had all the information that we felt we had -- we had enough

Page 68

1 12-year-old girl. How did -- did she say December 19th, or,
2 I mean --

3 A. Well, we got the date -- and it was -- the last
4 day of school before the Christmas break was the 21st. And
5 I can tell you that particular day, we have -- we don't --
6 it's not a regular/regular day of school. We have classes,
7 but then we have activities during that day. It's a very
8 lower-than-usual attendance day. And you would have more
9 kids absent that day. But we had activities that day.

10 And so I know the day that -- that Miss Cap
11 talked -- that's how we -- how I determined -- well, we
12 knew -- she told us it was the 19th. And we got back to
13 that date. There were things -- that was an easy time to
14 determine because of the activities we had. We knew the
15 20th -- the day before Christmas [sic] we had activities
16 that Rachel --

17 Q. Well, you remember -- you indicated -- you were
18 starting to say that you remember when you had the
19 conversation with K [REDACTED]. Is that what you were going to
20 say?

21 A. Well, that was -- that was how we came upon what
22 that date was. Because it was before the date -- the last
23 day before the vacation. And when we talked to R [REDACTED]
24 Rachel gave us the date the 19th. That was -- we couldn't
25 manufacture something like that, because we didn't know what

Page 67

1 information that Becky could be charged, that C [REDACTED] could
2 be charged, and these guys would be charged.

3 That is not our call, obviously. That is their
4 call. They do the charging, not us. But we felt we had
5 enough information that we could see them on Friday morning.
6 Denise was helpful. Every parent that came in was extremely
7 helpful.

8 Q. Well, and so what do you recall actually -- what
9 physical information did you have for the police on Friday
10 morning?

11 A. We had any of the reports from -- that was written
12 from the kids. I'm sure we had this from Cap (indicating).
13 We had every kid talk to the police. Some kids -- I think
14 probably the reason you have A [REDACTED] F [REDACTED] is we probably
15 wrote that for him. We -- and the police talked to -- I
16 think Mr. P [REDACTED] talked to the police at the police
17 station. And every other parent talked to the police at
18 school, I think. And I can't speak for Mrs. L [REDACTED] I don't
19 remember.

20 Q. Okay. How was it determined that this incident
21 happened on December 19th? Where did that date come from?

22 A. Came from R [REDACTED]

23 Q. And what did R [REDACTED] say?

24 A. She explained the second paragraph to us.

25 Q. Well, but how did she -- I mean, R [REDACTED] was a

Page 69

1 happened.

2 Q. Well, I understand that, but.

3 A. All right.

4 Q. But I guess --

5 A. Go ahead. Maybe I'm missing the question here.

6 Q. No, you're not. We're just trying to work through
7 this.

8 A. All right.

9 Q. You're not missing the question.

10 A. All right.

11 Q. Don't worry about that. You said, R [REDACTED] when
12 did it happen, and she said December 19th?

13 A. Yes. We got that information from R [REDACTED]

14 Q. So she knew the date from the top of her head?

15 A. Some -- well, I don't know if she knew it from the
16 top of her head, but that's -- that's the date we got from
17 her. And then that's how we started the investigation.

18 Because we had something to -- we had -- we had something to
19 go on.

20 MR. MARNEN: Let me help out here.

21 THE WITNESS: All right.

22 MR. MARNEN: Forgive me for intruding on your
23 deposition.

24 MR. OLDS: Go ahead.

25 THE WITNESS: Sorry.

Richard P. v. Erie School District

A000000378
James Woods

April 11, 2005

<p style="text-align: right;">Page 70</p> <p>1 MR. MARNEN: I think he's trying to ask you 2 whether she gave you December 19th in a flat-out 3 statement, or whether you had to reconstruct it 4 from things she was telling you. 5 Q. In other words, did she say this happened 6 December 19th, or did you infer from other events that it 7 must have been December 19th? 8 A. Well, I feel very confident that this is the date, 9 no matter if we came to it by the fact that it was one 10 day -- or two days before that last Friday of events -- 11 MR. MARNEN: You're not answering his question. 12 THE WITNESS: All right. 13 Q. Yeah, I -- 14 A. I don't know. 15 Q. Well, that's good. But you're confident of the 16 date, but you don't know how -- 17 A. Yeah, I don't know. 18 Q. As we sit here today, you don't know how you 19 specifically -- 20 A. I know it wasn't October, and I know it wasn't -- 21 you know what I'm saying? 22 Q. Right. 23 A. That was -- and that was a date -- I'll answer -- 24 I'll answer the question this way: R[REDACTED] gave us this 25 date, and every other student we talked to confirmed that</p>	<p style="text-align: right;">Page 72</p> <p>1 mark that as Exhibit 2 here. 2 MR. OLDS: Although, do you remember what the -- 3 do you have what exhibit number it was in Cap's? 4 Because maybe we wouldn't have to mark it again. 5 (Discussion held off the record.) 6 (Woods Deposition Exhibit 2 7 marked for identification.) 8 Q. Exhibit 2 is a series of documents -- 9 A. Um-hum. 10 Q. -- concerning the discipline record of C[REDACTED] 11 B[REDACTED] 12 A. Correct. 13 Q. And do you recall why Miss Cap gathered these 14 documents together? 15 A. Yeah. This probably was for the alternative 16 education program. We were trying to -- right. 17 Q. And is it fair to say that this is the type of 18 documentation that you would gather in terms of making the 19 decision to refer to the alternative education program? 20 A. That wouldn't be the only purpose of gathering 21 this. There -- I see -- very typically if a special 22 education student is having difficulty, we do behavior 23 charts, and we do, you know -- you'll have one for -- you'll 24 have one piece of -- you'll have five pieces of paper for 25 the same day. That's how you get the volume of these</p>
<p style="text-align: right;">Page 71</p> <p>1 was the date. When we talked to all of these students, when 2 we talked to -- oh, who was there? Yessenia we talked to, 3 and Antonio Flemings we talked to. There were several 4 students we talked to. 5 And the date -- and you have to remember, 6 Mr. Olds, these kids weren't actually that far away from 7 that date. They had only been back in school a couple of 8 days. Because school started, what, probably January 2nd 9 that year. And they hadn't been out of school -- only a 10 couple days. It isn't as if there were actual weeks had 11 passed. Weeks had passed in time, calendar, but they had 12 been in school only about five days before that happened. 13 So it wasn't as if there was a -- their point of 14 reference is school days. Our point of references is a 15 calendar. But their school -- their reference to something 16 is school days. 17 Q. Okay. 18 A. There wasn't anyone that ever disputed that date 19 that we talked to. 20 (Discussion held off the record.) 21 Q. I'm going to show you a set of exhibits. And we 22 touched upon this briefly with Miss Cap -- 23 A. Okay. 24 Q. -- when we started her deposition. And these are 25 records that come out of C[REDACTED] B[REDACTED] student file. We'll</p>	<p style="text-align: right;">Page 73</p> <p>1 things. 2 We did behavior charts. I see there's a 3 Functional Behavior Plan here. These are all things that we 4 would do for any student in special education, not for the 5 purposes of AEP. This would be for the purpose of the 6 student having better behavior and staying on task more and 7 following the rules more and meeting the goals in their IEP 8 more. 9 We would do this for any student who needs to have 10 a behavior checklist. If a student is -- let's say a 11 student is -- can't find their -- student wanders in the 12 hall and doesn't get to class on time. We would have a 13 check sheet for them that says that they got to class on 14 time and that they made it to class within the allotted time 15 and so forth. 16 So a behavior chart, if you just count the number 17 of referrals here -- I don't know how many referrals there 18 are. There's plenty. But there's a lot of behavior charts 19 in here which are interventions that we would attempt with 20 someone to try to get them on task. 21 Q. Okay. Well -- 22 A. This was -- to answer -- if I could just further 23 answer your question, though. We would accumulate this 24 material, obviously, to show that even despite our best 25 efforts, the student hasn't complied, and that we feel that</p>

<p style="text-align: right;">Page 74</p> <p>1 this student would be better served in the AEP program.</p> <p>2 Q. Now, what was that program that you were</p> <p>3 interested in referring C [REDACTED] to?</p> <p>4 A. Alternative education?</p> <p>5 Q. Yeah.</p> <p>6 A. In special education, students can only go for a</p> <p>7 limited amount of time. There are different guidelines for</p> <p>8 special education students than there are for regular ed.</p> <p>9 kids. But it's an alternative program that has an intensive</p> <p>10 counseling component, to work on what we would determine is</p> <p>11 their needs.</p> <p>12 This -- that's why this packet would go to the AEP</p> <p>13 program. This would go so that the -- the persons working</p> <p>14 with Charles would be able to work on the different things,</p> <p>15 like, you know, swearing or, you know, being disruptive.</p> <p>16 Q. Well, I'm trying to understand. Like the</p> <p>17 alternative education program would be some program that</p> <p>18 would be offered by Sarah Reed. Is that right? Or not</p> <p>19 necessarily?</p> <p>20 A. Oh, no. Alternative -- Sarah Reed program is a</p> <p>21 part of the Erie School District -- Sarah Reed offers, as</p> <p>22 others -- do a lot of other places, offer programming for</p> <p>23 students as part of the Erie School District.</p> <p>24 Alternative education -- I'm going to use the term</p> <p>25 "alternative education". I can see how someone could</p>	<p style="text-align: right;">Page 76</p> <p>1 education. Right?</p> <p>2 A. Correct.</p> <p>3 Q. And, now, is that the alternative education</p> <p>4 program that you were considering for C [REDACTED] B [REDACTED]?</p> <p>5 A. Yes.</p> <p>6 Q. So the alternative education program that you were</p> <p>7 considering for him would have been pursuant to the</p> <p>8 Discipline Code.</p> <p>9 A. Correct.</p> <p>10 Q. Progressive discipline.</p> <p>11 A. Correct. Because he had gone through after-school</p> <p>12 detention, Saturday detention, after-school suspension,</p> <p>13 out -- he wouldn't have done out-of-school -- I don't know</p> <p>14 if he did out-of-school suspension. But I see he had PASS</p> <p>15 in here.</p> <p>16 Q. Now, do you know where that alternative education</p> <p>17 was provided?</p> <p>18 A. I'll say Perseus House, but I -- but I won't say</p> <p>19 that definitively. Because I don't know when Perseus took</p> <p>20 over the alt. ed. program for the Erie School District. I</p> <p>21 don't remember.</p> <p>22 Q. Okay. So alt. ed., when it comes from discipline,</p> <p>23 stems from discipline --</p> <p>24 A. Right.</p> <p>25 Q. -- would be at Perseus House. Before Perseus</p>
<p style="text-align: right;">Page 75</p> <p>1 misconstrue Sarah Reed as alt. ed. Alternative education is</p> <p>2 part of the Erie -- is -- I think at this time was Perseus</p> <p>3 House. Boy, I shouldn't say that, because I'm not sure at</p> <p>4 that time it would have been. But the alternative education</p> <p>5 program follows the discipline policy, if a student has,</p> <p>6 like I said, a serious infraction or an accumulation.</p> <p>7 In C [REDACTED] case, an accumulation of fractions</p> <p>8 [sic]. Right, it's in the discipline book. Sarah Reed</p> <p>9 is --</p> <p>10 Q. Let's stop for a second.</p> <p>11 A. Go ahead.</p> <p>12 Q. So let's --</p> <p>13 A. Go ahead.</p> <p>14 Q. There's a chart in here --</p> <p>15 A. There you go. Right.</p> <p>16 Q. -- in this -- let me see if I can find it. And</p> <p>17 this would be what would have previously been marked as</p> <p>18 Exhibit C, I guess, in Denise L [REDACTED]'s deposition. And it's</p> <p>19 at Page 10.</p> <p>20 A. Right. I was going to say, it's early in the</p> <p>21 book.</p> <p>22 Q. Page 11.</p> <p>23 A. Yep. There you go.</p> <p>24 Q. Okay. And in the continuum of consequences, right</p> <p>25 before expulsion, there's a provision for alternative</p>	<p style="text-align: right;">Page 77</p> <p>1 House, where would it have been provided?</p> <p>2 A. I was trying to remember. I don't know for middle</p> <p>3 school kids. I don't know.</p> <p>4 Q. Was it ever provided at Sarah Reed?</p> <p>5 A. Sarah Reed offers -- oh, as far as discipline?</p> <p>6 Q. Yes.</p> <p>7 A. I don't know. Primarily Sarah Reed, we -- when --</p> <p>8 students we have that are enrolled in Sarah Reed would be</p> <p>9 there for not disciplinary reasons. Now, perhaps they do</p> <p>10 offer -- maybe they've contracted with the District, but I</p> <p>11 wouldn't -- I don't recall if that's for middle school kids.</p> <p>12 No, that would be for other programming; emotional support,</p> <p>13 that kind of thing. Not for discipline.</p> <p>14 (Discussion held off the record.)</p> <p>15 A. Sarah Reed may -- maybe they offer it for middle</p> <p>16 school kids. I'm trying to think.</p> <p>17 (Discussion held off the record.)</p> <p>18 Q. Were you -- after the meetings that you had on the</p> <p>19 9th and 10th with the students, culminating in the referral</p> <p>20 to the police on the 11th, K [REDACTED] and R [REDACTED] were removed</p> <p>21 from the school building. Do you recall that?</p> <p>22 A. Yeah, both -- I think both girls went to Sarah</p> <p>23 Reed. And -- now, that is not for alternative education.</p> <p>24 Like this is -- alternative education is really kind of a</p> <p>25 misnomer. Charles went to an alternative education program,</p>

Page 78

1 okay, for discipline purposes or something.

2 Q. Well, he never went anywhere.

3 A. Right. But -- he was referred. Excuse me.

4 When -- I'll take -- I'll take each of the girls separately.

5 Because K [REDACTED] was in Millcreek. When a student
6 goes to -- to Millcreek, for example, for mental health
7 issues, it kind of kicks in another whole level of planning
8 for the student's IEP. The main goal is to keep -- and I --
9 the main goal is to write an IEP appropriate for that child.
10 All right? With the parents' input and consent.

11 When we learned that -- when we learned that
12 K [REDACTED] was in Millcreek, or any student was in a facility
13 like that, the student assistant person and the special
14 ed. -- someone from downtown, probably special ed.
15 supervisor, would try to determine with the staff, upon the
16 recommendations of the staff of Millcreek and their doctors,
17 where that student would be best served to meet their needs.

18 And so at that point it was determined, apparently
19 by Millcreek -- and we don't send them there. It doesn't
20 happen that way. I don't say you're going to go here. That
21 does not happen.

22 K [REDACTED] with the input of her doctors and
23 only -- and only with the consent and agreement of the
24 parent, would have -- would a student be sent to -- for
25 example, Sarah Reed has an excellent emotional support

Page 80

1 A. I knew that was an option. I knew that Sarah Reed
2 was an option for us. I wanted -- when I called downtown, I
3 wanted to know how we could help these kids.

4 Q. And when you called downtown, you talked to --

5 A. I would have talked to Frank Scozzie and Charlise
6 Moore and Jim Piekanski. I, in fact, did talk to those
7 three individuals. Mr. Piekanski and Charlise Moore are
8 special ed. supervisors, and --

9 Q. How many conversations do you think you had with
10 them over those several days?

11 A. Well, it was over two days, and I know I probably
12 talked to Frank Scozzie a half a dozen times. And I talked
13 to -- I know I talked to Mr. Piekanski and Mrs. Moore in
14 person. And I'm sure I talked to them on the phone. I
15 would have had to talk to them a couple times.

16 Anytime that you have a special education student,
17 you talk many times to them, because nothing can be done
18 without their consent. And those -- Mr. Olds, we don't
19 make -- I don't make arrangements with Sarah Reed. That's
20 not my -- when you talk about the responsibilities of a
21 principal, that is not one of them.

22 Q. Okay.

23 A. That is not in my juris., you know. That is done
24 in concert with someone downtown and with a parental
25 consent.

Page 79

1 program where a student can receive the services they need
2 and still get credit and be part of the School District.
3 It's a program that is contracted by the Erie School
4 District for those students. Erie has many programs around
5 the city for different reasons. We have charter schools, we
6 have different contracted things. So Sarah Reed is just one
7 of a multitude of those.

8 Q. Okay.

9 A. Now, R [REDACTED]'s dad, when R [REDACTED] and Mr. P [REDACTED]
10 came in and talked to Mr. Ruhl and myself, he had actually
11 requested she not return, and I certainly could understand
12 that. I felt terrible about what had happened. I was
13 furious at B [REDACTED] and A [REDACTED] and C [REDACTED]

14 But, anyway, R [REDACTED] didn't want to return. I
15 certainly understood that. And I had told Mr. P [REDACTED] that
16 we had put into motion request for any -- you know, a
17 placement for her, if that's what he wanted anyway. We
18 talked about Sarah Reed. And he -- he or his wife would
19 have met to change her IEP, and she went to Sarah Reed also.

20 We don't send kids there. I can't turn to a
21 student and say, I'm sending you somewhere. It doesn't
22 happen.

23 I was interested in, more than anything, in these
24 two girls, getting some help with this.

25 Q. Okay. Well --

Page 81

1 The IEP, as you know, being an attorney, the IEP
2 is everything.

3 Q. Right.

4 A. The NORA, Notification of Recommended Assignment,
5 is everything. It is everything.

6 Q. So.

7 (Woods Deposition Exhibits 3 and 4
8 marked for identification.)

9 Q. So 739 -- the exhibit would be 4.

10 A. Okay.

11 Q. And I'm looking at the Bates stamp --
12 MR. MARNEN: Exhibit 3 starts with 739. Exhibit 4
13 with 441.

14 Q. Now, did you have anything -- well, let me just --
15 let me start this by saying, this is a -- the first page of
16 Exhibit 3 is an IEP revision review. Is that right?

17 A. Right. Of K [REDACTED]?

18 Q. Right.

19 A. Yeah.

20 Q. Bates-stamped 739.

21 A. 17th? Yeah. January 17th?

22 Q. Yes.

23 A. Um-hum.

24 Q. And if you go to the document that's Bates-stamped
25 744 in there.

Page 84

1 A. But for -- if that clears it up.
2 Q. Okay.
3 A. That --
4 Q. And then you indicated that the -- the document in
5 the front --
6 A. IEP.
7 Q. -- IEP --
8 A. Right.
9 Q. -- then that would be the IEP revision review
10 document.
11 A. Right.
12 Q. Is for the partial hospitalization program.
13 A. Right.
14 Q. Where do you see that --
15 A. And that was held at Sarah Reed.
16 Q. Where do you see that partial hospitalization
17 program?
18 A. It's stands -- it's called Sarah
19 Reed Children's -- I think it's Center. SRCC. Sarah Reed
20 Children's Center.
21 Q. Okay.
22 A. And there's a --
23 MR. MARNEN: You were referring to --
24 THE WITNESS: I'm sorry.
25 MR. MARNEN: -- 739?

Page 85

THE WITNESS: I am. 739.

A. If you look at 740 -- no, that's the intake.

Q. Yeah, there might be some others documents.

A. These (indicating) go together. Right.

Q. Well, but let's look at 742.

A. All right. Yeah. SRCC.

Q. Behavior modification program?

A. There is a --

Q. That is just out of context. Let me read that, so that your question will make sense. 742 is a memo to Scozzie from Audrey Pecoraro. Says, "K [REDACTED] L [REDACTED] date of birth 7/5/89, is referred to Sarah Reed behavior modification program, special education tract."

A. Right.

Q. Okay. Now, is the -- do you know whether the behavior modification program is the partial hospitalization program?

A. I don't know, but I would certainly assume so, because she was referred to partial to get help.

Q. Well, there might be more than one program at Sarah Reed, right?

A. I can't answer to that.

Q. Okay.

A. I'm sure that if you haven't done the deposition with Mrs. Moore yet, you could probably ask her that

<p style="text-align: right;">Page 86</p> <p>1 question. Or Mr. Scozzie. Scozzie will know that hands 2 down. 3 Q. We'll ask Mr. Scozzie. 4 A. Right. 5 Q. And then the other document, I guess is 6 Bates-stamped -- 7 (Discussion held off the record.) 8 Q. Looking at No. 4, Exhibit No. 4 -- 9 A. Yep. 10 Q. -- which would be the document Bates-stamped 11 441 -- 12 A. Got it. 13 Q. -- beginning with 441 -- and these, by the way, 14 are documents that have been provided to us by the Erie 15 School District, I think. 16 A. Oh, sure. Right. 17 Q. Now, that document, 441 -- 18 A. Right. 19 Q. -- should that be accompanied by some other -- I 20 mean, it makes reference to this notice described to your 21 rights and procedures. Do you know whether there would be 22 some other document that would be -- accompany this? 23 A. I can't answer that question. 24 Q. Okay. 25 A. That's -- that was done by the homeschool visitor.</p>	<p style="text-align: right;">Page 88</p> <p>1 A. Yeah. 2 Q. -- says that -- 3 A. Let's see. 4 Q. It says that the girls are not eligible for the 5 adolescent partial program. Do you know what the adolescent 6 partial program was? 7 A. It says both girls are under age 14. They are not 8 eligible for the adolescent partial -- so there had to have 9 been -- you'll have to ask Frank Scozzie about that. 10 Q. Okay. Again -- 11 A. There's something about -- they probably have an 12 elementary, as opposed to an LS or something. There would 13 have to be some reason that it -- as you know, 14 is -- 14 there's a lot of things that happen in -- in the law at 14. 15 You know, that's kind of a -- one of those cut points, and 16 I'm sure that's one of the funding things also. 17 Q. So, now, I take it -- and we'll just do a couple 18 more questions -- 19 A. Okay. Go ahead. 20 Q. -- and then we'll take a break. It will be a 21 convenient time. 22 You were aware that the girls would be leaving 23 Strong Vincent. Is that fair to say? After -- after 24 January 10th, you were aware that they were leaving Strong 25 Vincent.</p>
<p style="text-align: right;">Page 87</p> <p>1 Again, you should ask that question, Mr. Olds, to 2 Mr. Scozzie. All right? This is his territory, not mine. 3 Q. Okay. 4 A. As I stated before, my -- my jurisdiction as a 5 principal is not -- if there is an IEP, I follow that IEP. 6 It's not for me to say where that student goes. This -- 7 this is taken care of at the -- by the supervisor's level, 8 not mine. 9 Q. Okay. 10 A. There are dozens of programs. If you could look 11 at Page 443, right there -- 12 Q. Right. Yes. 13 A. Right? You see Mr. Scozzie's name there. It says 14 Sarah Reed -- right. 15 Q. Referral by Sarah Reed. 16 A. Someone has to pay the bill. He's the one that 17 has to give approval for that, I would think. If we have a 18 treatment -- if a student is going to receive treatment, 19 someone's got to pay the bill. And he's the one that has to 20 authorize that. 21 Q. Okay. 22 A. And the other person's name is Marlene Chrisman, 23 who is a supervisor. 24 Q. Then if you look at Page 446 of this exhibit, the 25 Bates-stamp 446 --</p>	<p style="text-align: right;">Page 89</p> <p>1 A. Yes. I would say that -- if not then, probably by 2 the -- well, I knew -- I knew that K [REDACTED] was in Sarah 3 Reed. I didn't know what would happen until I actually -- 4 you know, until you really know -- no, I wouldn't know where 5 they were going to be. I assumed Rachel was coming back. 6 Q. Okay. 7 A. I assumed she was going to be there, because when 8 I met with her dad, I said, listen, if kids talk to you, if 9 anything happens -- and he said, well, she's not coming back 10 here. Well, right then, we went into a different type of 11 conversation. And until I -- I don't know where a student 12 is going to be until I either get notice from downtown -- 13 like I may get a copy -- generally, I'll get a copy that -- 14 not generally. You get a notification. I get a 15 Notification of Recommended Assignment, because if they are 16 not in your building, then you know where they are going. 17 They are in your building until you are notified that they 18 are somewhere else. I would not have made that assumption, 19 because that is the official document we go by. 20 My hope was that we got some help for them. My 21 hope was that we nailed the other guys; that we nailed 22 B [REDACTED], and we nailed A [REDACTED], and we nailed -- and we did it 23 swiftly and quickly and that we got these girls the help 24 that they deserved. They were victimized, for crying out 25 loud.</p>

Page 90

1 (Discussion held off the record.)

2 (Recess held from 12:56 p.m. till 1:48 p.m.)

3 BY MR. OLDS:

4 Q. Okay. So I guess what I'd like to do is

5 concentrate on this investigation, the incidents that

6 comprise the investigation.

7 Earlier you indicated that the -- you hadn't --

8 that you hadn't -- well, that you talked to someone downtown

9 about disciplining the students. Do you remember you

10 testified to that, or something? You had a conversation

11 about whether to discipline C [REDACTED] and -- C [REDACTED] B [REDACTED]

12 A. Um-hum.

13 Q. Do you remember that? You must have thought that

14 there was something there, because you did conduct two days

15 of investigations, according to your testimony. Is that

16 right?

17 A. Yes. We spent the 9th and 10th talking to

18 students and parents.

19 Q. Okay. So let's go -- it's your testimony that you

20 found out about it on the 9th?

21 A. Correct.

22 Q. And it's because R [REDACTED] acted out in Miss Scully's

23 class.

24 A. Right. She came down and talked to me, um-hum.

25 Q. Miss Scully or Miss Cap?

Page 91

1 A. Miss Cap came with R [REDACTED] Miss Scully let her go

2 to Miss Cap's room, um-hum.

3 Q. And so tell me what happened in that first meeting

4 that involved you, Miss Cap, and R [REDACTED]

5 A. Well, we talked to Rachel. She -- I had to find

6 out why she was mad in class. She had sworn in class and --

7 and had had an outburst. And so during that conversation,

8 she started talking about the incident that happened in the

9 Laundromat. And we got the details of -- about B [REDACTED]

10 coercing her, who was involved, how K [REDACTED] was a victim,

11 she was a victim, and we sort of got her assessment and

12 information about the incident. And then we started talking

13 to other kids.

14 Q. And then did she tell you about A [REDACTED] I guess,

15 F [REDACTED] or A [REDACTED] G [REDACTED] Do you remember that name?

16 A. I know A [REDACTED] G [REDACTED] um-hum.

17 Q. Okay. Did she tell you that he had done anything?

18 A. I don't -- no. The only ones that I -- that we

19 were able to -- that I remember her telling us about was --

20 Antonio was there, because A [REDACTED] gave us a lot of

21 information. The only ones that I know that were --

22 performed a sexual assault was A [REDACTED] K [REDACTED] and C [REDACTED]

23 B [REDACTED]s, and that B [REDACTED] C [REDACTED] was forcing her.

24 Q. Okay. Now, after R [REDACTED] told you her story -- how

25 long do you think it took to get through that?

Page 92

1 A. Through with R [REDACTED]

2 Q. Um-hum.

3 A. Oh, I don't know. Half hour, hour.

4 Q. Where did you have her when you were interviewing

5 the other kids?

6 A. We had her somewhere safe, where -- that she would

7 be -- I don't recall exactly where she was, but.

8 Q. Did she return to class?

9 A. I don't recall. She may have. We made sure she

10 was safe. I don't know where she went when she left my

11 office. Because we talked to her a couple different times

12 that day.

13 Q. Do you think she might have just hung around your

14 office?

15 A. Oh, no. No one does that. She would have been

16 somewhere, where she was safe and supervised. We don't let

17 people hang around.

18 Q. Was she in PASS that week? R [REDACTED]. Do you

19 remember?

20 A. On the 7th, I don't recall.

21 Q. Do you recall whether she was on the 9th, when you

22 started talking to her?

23 A. Say that again.

24 Q. Was she --

25 A. In PASS on the 9th?

Page 93

1 Q. Right.

2 A. When I talked to her.

3 Q. Yeah.

4 A. On the day she had the outburst.

5 Q. Yeah. I mean, that evening, was she assigned to

6 PASS?

7 A. I don't recall. Sorry.

8 Q. So after you talked to her, who did you talk to

9 next?

10 A. Oh, I don't know the order. But I know we talked

11 to all the kids that are listed in this exhibit, No. 1.

12 Because we talked to A [REDACTED] F [REDACTED] -- let's see. That

13 would be Y [REDACTED] -- I think her last name was H [REDACTED]

14 maybe. C [REDACTED]

15 Q. What was the first conversation that you had with

16 either Mr. Scozzie or Mr. Linden?

17 A. When was that?

18 Q. Yes.

19 A. Right after I talked to R [REDACTED]

20 Q. Okay. And do you remember who you called?

21 A. I would have called both of them.

22 Q. Would they have both been on the line at the same

23 time or --

24 A. No. No.

25 Q. So tell me what your conversation -- the best that

Page 95

1 Q. Do you know, do one of them report to the other,
2 or are they on the same level; Linden and Scozzie?

3 A. I don't know if they are on the same level. They
4 have different titles. They are both management downtown.

5 Q. And is there anyone else above the principals
6 downtown that -- you know, in terms of the principals report
7 to --

8 A. Dr. Oliver was director of high schools, but I'm
9 not sure when he took that position over. If he was the --
10 if he was the -- he would have been informed, but I dealt
11 with -- he would have been informed, but I dealt with
12 Dr. Linden and Mr. Scozzie.

13 Q. There's mandatory reporting laws in Pennsylvania;
14 is that right?

15 A. Um-hum.

16 Q. In terms of a school administrator uncovering
17 sexual abuse or suspecting sexual abuse. Are there
18 mandatory reporting laws?

19 A. Sure. If you suspect abuse, you call the hotline.

20 Q. Okay. Did you call the hotline?

21 A. No. We called the police.

22 Q. Well, but on the 9th, when it first happened that
23 you first talked with Rachel, did you call the hotline that
24 day?

25 A. No. That day, Mr. Olds, we had information on our

Page 97

1 our police officers, our Erie Police Department Officers.

2 Q. Were they present at all these interviews?

3 A. I'm not certain, but probably.

4 Q. Now, when you say they are Erie Police Officers,

5 does that mean that they are employees of the City of Erie?

6 A. They are police officers employed by the City of

7 Erie, and then the District contracts with them. And this

8 might be a question for Mr. Scozzie. But they are

9 contracted with the School District, I think probably mostly

10 through Safe -- Safe Schools Grant, or something like that.

11 And sometimes they were in uniform, sometimes they weren't.

12 Depends if they had court or something that day. They

13 were -- they are apprised of the situation right away.

14 Regarding your hotline call, we would have, you

15 know, done that if we felt that was absolutely necessary

16 right then. We were more interested in getting the

17 information and getting a full-blown police investigation on

18 this. Because it didn't happen on our property, so we

19 wanted to get the ball rolling.

20 Q. So you had -- I think you indicated that you had

21 as many as a half a dozen phone calls with Scozzie and

22 Linden over those two days?

23 A. Over three days. I'm sure.

24 Q. Over three days.

25 A. It would have included that Friday when we had the

Page 98

1 police in too. We had the chief of police -- excuse me.
 2 Chief of security for the District, Jim Perfetto, came over
 3 for much of the interviews.
 4 Q. Did he take notes?
 5 A. I wouldn't know. You'd have to ask him.
 6 Q. And you're saying your notes were destroyed.
 7 A. Yes.
 8 Q. You did take notes?
 9 A. I took some anecdotal notes, but I would have not
 10 kept those notes. When something becomes property of the
 11 police, that's -- they take the reports of the kids, and
 12 they -- once the information gets to them -- because this
 13 was really their bailiwick, not mine. It's -- you know,
 14 after --
 15 Q. Well, it was your bailiwick because you didn't
 16 turn the investigation over to the police in the first
 17 instance. You conducted two days of investigation yourself
 18 before you turned it over to the police. Is that right?
 19 A. Right. We were just trying to get full names so
 20 that they knew who they -- who they needed to talk to. And
 21 they -- perhaps even they talked -- I'm sure they talked to
 22 more people. I have seen the police report. It's volumes.
 23 They talked to a lot of people.
 24 Q. Okay. But it was your --
 25 A. I wanted -- I wanted to get -- I wanted them to

Page 99

1 get the information about -- about R [REDACTED] and B [REDACTED] -- or
 2 R [REDACTED] and K [REDACTED] and I wanted them -- I wanted us to
 3 feel like that we had gotten information prepared for
 4 them -- prepared -- just give them the names, talk to the
 5 kids, get the parents apprised. Because we owe it to the
 6 parents to try to keep them up to speed when we know
 7 something like this. And then the information goes to them.
 8 This is -- this is volumes, this police report. I read this
 9 over lunch, and I just -- I'm -- they did a lot of work. We
 10 had Mr. and Mrs. Barber, the detectives, in there. I mean,
 11 we're not policemen, Mr. Olds.
 12 Q. Right.
 13 A. We're trying to run a school and keep a safe
 14 place. And detective work is not something that I am
 15 skilled in, but something that you try to -- you want to
 16 have something credible so that when you have the police
 17 come to your building, you have some kind of order and
 18 fashion. You have correct information that you best can get
 19 for them.
 20 Q. Well, I mean, I'm sure if there was a shooting at
 21 the school, you wouldn't conduct the investigation before
 22 calling the police, would you? I mean, the police are
 23 competent to conduct an investigation, aren't they?
 24 A. We have a very competent police department.
 25 Q. Okay. So, now, were you and Miss Cappabianca

Page 100

1 together for these two days that you had these meetings with
 2 students and parents?
 3 A. I had her pretty much shut her room down upstairs.
 4 I said everybody in this building that we need -- I had the
 5 other -- I got the other two assistants in, and I had Cap
 6 pretty much shut her door upstairs. I said, you know -- she
 7 was up and downstairs. But we had to try to use every
 8 resource that we had available and still keep a school
 9 going, to try to have at -- some -- find out what happened,
 10 number one, and get accurate information.
 11 Q. Tell me the first time you spoke to Mr. P [REDACTED]
 12 A. I think we saw Mr. P [REDACTED] on -- we saw him after
 13 school outside -- yeah. We were going to PASS or -- for
 14 some reason, we saw him outside. Told him I wanted to talk
 15 to him, and he said, I'll see you tomorrow morning. And I
 16 think we saw him Wednesday night. Right. It would have
 17 been Wednesday night. Because we saw him out Friday, and he
 18 said, I can't talk to you now, but I'll come back in the
 19 morning. And he did. He came back with R [REDACTED] in the
 20 morning. So he would have come on the 10th.
 21 Q. So R [REDACTED] was in PASS that day.
 22 A. It was on the 10th. I -- I don't know. But I
 23 think she was in PASS. Because we saw -- I remember seeing
 24 him outside, because I talked to him on the front steps.
 25 Yeah.

Page 101

1 Q. Do you have any idea why you sent R [REDACTED] to PASS
 2 after she told you she had been a victim of a sexual
 3 assault?
 4 A. That would have been on the 9th, we're talking
 5 about?
 6 Q. Right.
 7 A. I don't know why she was assigned to PASS, but we
 8 wouldn't have sent her if we felt she was in jeopardy. I
 9 can tell you that. I forget why she was assigned PASS. I
 10 don't -- I don't know why she was assigned PASS.
 11 Q. Was C [REDACTED] in PASS that night?
 12 A. I don't know.
 13 Q. Did you talk to C [REDACTED] that first day?
 14 A. Yes. Well, I don't know. First or second day. I
 15 don't know. One of those two days. Those days, Mr. Olds,
 16 run together.
 17 Q. Okay. Tell me what --
 18 A. They were pretty busy.
 19 Q. Tell me about the conversation you had with
 20 Charles Bibbs.
 21 A. I had a conversation with his father. That was
 22 the first time I met his father. And his father came in. I
 23 apprised his father of what -- what we thought was
 24 happening. I wanted to get C [REDACTED] side of it. And I
 25 informed the father that -- that -- that we were going to

Page 102

1 pursue every -- that there were going to be police charges,
2 there were going to be criminal charges -- I felt that there
3 was enough evidence that we were going to -- that he would
4 be charged.

5 Q. Well, did you meet with C [REDACTED] alone?

6 A. I think -- I'm pretty sure we would have met with
7 him. I don't remember meeting with him alone. Although I'm
8 sure we would have. Because we met with all the kids -- all
9 the kids, with at least one or two adults in the room.
10 There would be myself and Miss Cap or myself and the police
11 officer. We were trying to keep the kids separate so we
12 could get -- get a straight story the best we could from
13 all -- each one of the kids. And I would have met with him
14 with no other student in the room, absolutely.

15 Q. And I just want to --

16 A. Go ahead.

17 Q. The picture is that you're investigating an
18 incident that happened off school, that you didn't think
19 that you had jurisdiction to discipline kids for, but it was
20 criminal activity. Essentially, you were investigating
21 criminal activity, which according to you, occurred off
22 school grounds. Is that right?

23 A. Well, I -- you know, from R [REDACTED] description
24 and -- and what went on -- I'm not a policeman. I'm not the
25 person that has -- that files the charges.

Page 103

1 Q. Well, that wasn't my --

2 A. Anytime there --

3 Q. That wasn't my question. I'm just trying to
4 understand. You didn't -- earlier today I asked you if you
5 disciplined Charles Bibbs, and you said no, because it
6 happened off school. Is that right?

7 A. Correct.

8 Q. Okay. So --

9 A. Regarding this incident -- did I discipline
10 Charles regarding this incident? No.

11 Q. It happened off school.

12 A. Right.

13 Q. It's criminal activity that happened off school.
14 Right?

15 A. (Witness nods head.)

16 Q. When was the last time you conducted an
17 investigation of criminal activity that occurred off school?

18 A. Well, it was a school -- the bus incident that I
19 told you about was a school function, so technically that is
20 on school property. When is the last time? I don't know.

21 Q. Did you ever conduct an investigation about
22 criminal activity that didn't occur on school grounds --

23 A. I don't conduct -- I don't conduct criminal
24 investigations. I will try to get information about
25 something that is related to school. You're making it sound

Page 104

1 like I'm a policeman. I conduct criminal -- I don't -- you
2 know, this was -- this was blatant criminal activity that
3 any -- any reasonable person would -- would identify as
4 criminal activity. And if something looks like it's related
5 to school, we may try to -- we may try to act -- talk to
6 kids about something like that.

7 Mr. Olds, what happens -- and I tell kids this all
8 the time. You may think something happens out here, but
9 eventually it makes its way back to school one way or the
10 other. You know, a few days can pass, a week can pass. But
11 if there's something that happens outside school, a lot of
12 times it drifts back into school.

13 When was the last time? I investigated something
14 with a kid who -- kid came to school, and he had an
15 outburst. He had an outburst in class or in the hall.
16 Somewhere in the school he had an outburst. And when he
17 relayed the incident to us, what he was really mad about was
18 something that happened off school property. You can't
19 ignore that. You have to go and get the parties together,
20 ascertain what the problem is. Sometimes, if there's
21 something of a -- of a criminal nature, you call the
22 resource officer in, and you tell them, and you say, what do
23 you make of this, and they advise -- they will tell us, this
24 needs to go to the police or this doesn't need to go to the
25 police. And at that time we'll have the police -- we'll

Page 105

1 have the school resource officers conduct an investigation.

2 We don't like to spend our time doing that,
3 because we have kids to educate. But depending on what
4 happens outside of school, you might actually -- what
5 happens is, it comes into school sooner or later. I tell
6 kids it's like snow at the top of a mountain. What happens
7 when snow is at the top of the mountain and the sun comes
8 out and it's 80 degrees? Water goes downhill. And a
9 problem is just like that. A problem will stay cold for a
10 long time, and the sun comes out, somebody sheds lights on
11 it, and it comes right back into the school building.

12 Q. Do you have any recollection of your conversation
13 with Charles Bibbs; what was said?

14 A. Well, I asked him about the incident.

15 Q. What did he say?

16 A. Charles was always in the habit of denying
17 everything.

18 Q. Okay. So --

19 A. It was consensual, that kind of stuff. He denies
20 everything. But I told his father that there were -- that
21 this wasn't going to go away, we had tried AEP, so forth and
22 so forth, and that we were going to cooperate fully. And he
23 never came back.

24 Q. What about B [REDACTED] C [REDACTED] What do you recall of
25 your meeting with her?

Page 106

1 A. She also denied a lot of stuff. I don't recall,
2 you know, everything that's said in those conversations,
3 because there were -- many of the students we interviewed
4 more than once. I didn't interview B [REDACTED] C [REDACTED] just
5 once. We would have talked to B [REDACTED] C [REDACTED] more than
6 once. Because you're trying to get information so that you
7 at least have the correct names, the correct -- and so that
8 we could help the two girls that were violated. Becky
9 Campbell was a big denier.

10 Q. You indicated that Miss L [REDACTED] came -- you recall
11 that Miss L [REDACTED] came into the school. Is that because you
12 called her?

13 A. No. She came -- I don't remember -- I don't
14 remember if I made any of the phone calls to the parents.
15 But she came one day -- she called us and let us know to get
16 some work for K [REDACTED]. And she came in right after -- and
17 I think it was the same day I talked -- when R [REDACTED] came
18 down.

19 Because I remember when Mrs. L [REDACTED] came, she sat
20 next to the window, and then her sister sat in the next
21 chair over. And she apparently had gotten some information
22 from Kristina. And it was right in the middle of us
23 talking. Because I remember I had to make her wait, because
24 there were other people that we were talking to; either a
25 kid or somebody else. And I -- and I was concerned that she

Page 107

1 would leave, and I wanted -- we really needed to talk to
2 her. But you kind of had to finish up what you were doing
3 with the kid you were talking with.

4 And so she came and gave us information from
5 K [REDACTED] and I informed her that we were going to do
6 everything we could to get those kids that wronged her
7 child.

8 Q. Well --

9 A. It literally unfolded in about -- in about nine
10 hours' time of talking with the kids.

11 Q. Do you remember what Y [REDACTED] said?

12 A. No, not off the top of my head. But she, I know,
13 was one of the kids we talked to.

14 Q. Do you remember what C [REDACTED] said?

15 A. No, not without looking at the reports.

16 Q. And there are no reports, because the records
17 don't exist. Right?

18 A. Without looking at the police reports.

19 Q. The police reports.

20 A. Right. I read the police report, and this tells a
21 lot more than I even knew. The police did the
22 investigation. Alls we did was collect up the names and
23 numbers and the parents and the permission to talk to the
24 kids. And the parents came in -- the parents were all
25 really good about talking to the -- talking to the police.

Page 108

1 And the parents were good about having their kids talk to
2 the police.

3 Q. Were you aware that Linda Cappabianca had a
4 conversation with Robin Johnson?

5 A. I don't know who Robin Johnson is. Who is Robin
6 Johnson?

7 Q. I think she's a parent of a student.

8 A. No. No.

9 Q. T [REDACTED] N [REDACTED]. Do you remember T [REDACTED] N [REDACTED]?

10 A. I don't know why she would have a conversation
11 with her. No.

12 Q. So you conduct these --

13 A. Short --

14 Q. Go ahead, I'm sorry.

15 A. No, Toni was short. I remember T [REDACTED]

16 Q. Do you remember, did Chris Ruhl participate in any
17 of these conversations?

18 A. Chris Ruhl was the counselor for the Student
19 Assistance Program, and I don't know -- the one conversation
20 that Chris Ruhl and I had with R [REDACTED] I think that might
21 have been the only one that he was in on. I don't think we
22 would have involved him. He had other things to do.

23 But occasionally, in the instance of R [REDACTED]
24 because of the nature of the -- of the -- her assault, he's
25 a mental health counselor.

Page 109

1 And Linda Cap was involved in talking to somebody
2 else. When Mr. P [REDACTED] [sic] came in the next morning and
3 Rachel and I and Mr. P [REDACTED] went down to Chris Ruhl's
4 office -- and that's where I talked to Rachel and her
5 father. It's kind of a long, skinny office. It's about
6 half this wide. It's quite long (indicating). It's an old
7 book room. And R [REDACTED] was -- was very quiet. And I tried
8 to be very understanding.

9 I tried to explain to Mr. P [REDACTED] where we were;
10 what we thought was happening. I told him that we had
11 talked to R [REDACTED] about that the day before and got him up to
12 speed on what we perceived had been happening, and that they
13 would be talking to the police. I don't know if he had
14 talked to the police before that or after the police [sic].

15 I remember once I talked to him at the police
16 station, because I think R [REDACTED] wasn't in school, and I was
17 concerned that we didn't have -- we didn't have -- we hadn't
18 had Rachel and her father together -- or her mom; someone,
19 in getting their statement together. And I think that one
20 conversation I had with Mr. P [REDACTED] actually he was at the
21 police station. I said, good, the police are going to need
22 to talk to you. And I think he did that there.

23 But I know that Chris Ruhl and I did talk to her.
24 It was not very long. We did talk about her not wanting to
25 come back there, and -- because I had said, this is

Page 110

1 Mr. Ruhl. You know, assuming that she may return, that, you
2 know, this is a person -- and she had been referred to the
3 Student Assistance Program, I think -- I think Mr. P [REDACTED]
4 requested it in the fall or something.

5 So we were interested in making sure -- and then
6 he -- that she would be okay when she came back, and that's
7 when he said he wanted her to go somewhere else, and so we
8 made some arrangements. It wasn't a real long conversation.
9 By then, Mr. P [REDACTED] was, I think, already in contact with
10 the police. I think he was at the police station before --
11 I don't know. I'm sorry.

12 Q. Well, let me -- so did you, when you were down at
13 Chris Ruhl's office, did you ask R [REDACTED] to go over again
14 what had happened to her?

15 A. Not a lot, no. We talked about what happened
16 there.

17 Q. Take me through that conversation, that you met
18 with him.

19 A. Well, I -- you know, it was not long, I can tell
20 you that. Because I wasn't interested in victimizing her
21 any further. I was interested in trying to be supportive
22 and understanding at that point.

23 We had a conversation about what had happened over
24 there. She did talk more about it, but she wasn't really
25 willing to talk.

Page 111

1 Sometimes R [REDACTED] even prior to this incident,
2 was -- not obstinate, but sometimes she just wouldn't talk.
3 You couldn't get her to always talk. Sometimes she just
4 didn't talk. And she wouldn't talk to you sometimes, if she
5 didn't want -- if she didn't want to talk, she didn't talk.
6 And I wasn't about to push the issue at this particular
7 time.

8 I did talk to Mr. P [REDACTED] about it, but R [REDACTED] was
9 there, and I wasn't interested in -- in upsetting her in any
10 way. I was more interested in being compassionate and
11 understanding at that time.

12 Q. But tell me what you had said to Mr. P [REDACTED] about
13 why you had -- you had seen him the night before after PASS,
14 correct?

15 A. Yeah. He was on his way to somewhere -- it
16 wasn't -- he did not have time. He had somewhere he had to
17 be. It was very obvious that was a bad time.

18 Q. So you met with him the next morning --

19 A. Very early.

20 Q. -- down at Chris Ruhl's office.

21 A. Right.

22 Q. Tell me what you said to him.

23 A. To him?

24 Q. Yes.

25 A. That I was sorry that this has happened. I was

Page 112

1 trying to be compassionate.

2 Q. I want you to tell me exactly how you started the
3 conversation with him. What did you say to him?

4 A. That this was unbelievable.

5 Q. Okay. And who told him -- he didn't know what had
6 happened yet, did he? Or do you think he did?

7 A. I don't think he knew the extent of what had gone
8 on.

9 Q. Okay. And so tell me what you told him that you
10 had learned.

11 A. That there was some inappropriate sexual behavior
12 going on over at the Laundromat, and that R [REDACTED] and
13 K [REDACTED] -- that R [REDACTED] had talked to us the day before
14 about it.

15 Q. And did you describe to him what you thought the
16 inappropriate sexual behavior was?

17 A. There was some inappropriate sexual behavior that
18 dealt -- that involved oral sex.

19 Q. As best you can recollect, tell me exactly what
20 you said to him about oral sex and R [REDACTED]. Tell me what you
21 said.

22 A. That she was involved in some oral sex with
23 probably A [REDACTED] K [REDACTED] was the kid that I -- that was the
24 kid that I knew about. It was very difficult. She was --
25 you know, there was a broken kid there.

Page 113

1 Q. Was she crying?

2 A. No. She was very quiet. Very, very quiet.

3 Q. And what did Mr. P [REDACTED] say?

4 A. I think he was as surprised as I was that this had
5 transpired; that this whole thing happened. R [REDACTED] was very
6 sad. Was she crying? I don't think she was crying. She
7 was very sad. Very, very quiet. Weepy? Might have been
8 weepy sad. Not crying/crying. Weepy sad. Quiet.

9 Q. Now, the 10th was a Thursday. Is that right?

10 A. Yep.

11 Q. Did she leave the school at that point -- or after
12 you met with her and her father? What happened to the two
13 of them?

14 A. I think her -- I think her -- you say she went to
15 PASS. You tell me.

16 Q. No, no, that was the 9th.

17 A. Oh, I'm sorry.

18 Q. I can't tell you anything. It's your deposition.
19 You are testifying.

20 A. You have more notes than I do. You have more
21 notes.

22 Q. You indicated that you met with him the evening of
23 the 9th --

24 A. She didn't stay that day. No, she did not stay
25 that day.

Page 114

1 Q. But the day before, you met with him in the
2 evening.
3 A. Yeah.
4 Q. He came to pick up R [REDACTED]
5 A. Yeah.
6 Q. And you think it was after PASS.
7 A. I'm not certain. It would have been after PASS or
8 after school. I was trying to remember if it was daylight
9 or not.
10 Q. You can't remember if it was dark or not.
11 A. It was January. It was always dark. It was in
12 the dark, because it's always dark in January.
13 Q. And then she didn't stay in school that day.
14 Okay. Do you recall why you didn't call him on the 9th, the
15 first day that -- I mean, I know that you met with him after
16 school.
17 A. I may very well have tried to call him or
18 something on that day, but we --
19 Q. The first day.
20 A. But we -- yeah. I may very well have tried to
21 call him. I mean, we were calling parents right and left.
22 Some parents, I'm sure, even came in that day. I know
23 Mrs. F [REDACTED] did. I'm pretty sure she came in that day.
24 We were in conversation with parents -- and we talked to --
25 you know, we probably talked to a lot of kids that aren't

Page 115

1 even listed here.
2 I mean, you're trying to talk to kids that -- but
3 what I'm saying is when you're trying to get some
4 information, you may talk to a kid for two minutes or
5 something and ask them, and say, do you know anything about
6 something. But you know what I'm -- you're just -- you're
7 trying to get to the key people.
8 Q. Well, did you talk to any of the teachers?
9 A. We talked to Mrs. Scully at length. Because even
10 though sometimes R [REDACTED] could be a little maybe obstinate or
11 something, or have an outburst or something, that was not --
12 it was not common knowledge around -- among the teachers.
13 So we did -- we talked to Scully. You know, I --
14 Q. What was not common knowledge among the teachers?
15 A. No one knew that we were -- after -- after R [REDACTED]
16 had an outburst, she came down and we were talking to her, I
17 didn't go to any teachers and say what do you know. That
18 wasn't -- our purpose was to find out what had happened to
19 these two kids. So I didn't talk to, you know --
20 Q. But you did talk to Scully.
21 A. Oh, yeah. Absolutely. Because R [REDACTED] had had the
22 outburst there, and we wanted to know exactly what -- what
23 she had said; what had precipitated -- what precipitated
24 that or --
25 Q. What did Miss Scully say that R [REDACTED] had said?

Page 116

1 A. I think she used the "F" word or something. She
2 just blew up at another kid in class.
3 Q. Now, was that uncommon, that kind of language at
4 Strong Vincent among the middle school --
5 A. Is it common?
6 Q. Uncommon. Was it uncommon --
7 A. Yeah. Kids don't go around -- I mean, kids --
8 kids are kids, but it's certainly not something we condone.
9 And it's something I would deal with. I don't --
10 Q. So that kind of vulgar language would warrant a
11 referral to the office --
12 A. Yeah. Absolutely.
13 Q. -- in every case, as far as you know.
14 A. You have got 25 kids sitting in the room, and the
15 kid blows up. And you're trying to start a lesson, you're
16 trying to teach, you're trying to have kids -- to learn.
17 Q. Okay. Now, you indicated that you might have
18 talked to some students who aren't even listed in Miss Cap's
19 record, which I guess is Exhibit 1. Is that right?
20 MR. OLDS: Jim, is that --
21 A. Well, I don't even know --
22 MR. MARNEN: It's Exhibit 1.
23 Q. Exhibit 1. You might have talked to some other
24 kids?
25 A. Well, let's say C [REDACTED] would have said, well, Joe

Page 117

1 Schmo was there. I might send the cop to go talk to Joe for
2 a second, and he says, no, I wasn't, or I was somewhere
3 else, or something like that. I mean, when you get one
4 name, you try to garner information. And so you're not
5 trying to interview 7, 800, 900 kids. You're trying to get
6 down to the nitty-gritty of it.
7 Q. Do you know whether information about the
8 investigation that you were conducting percolated out into
9 the student body?
10 A. Well, I think that's -- I think sometime between
11 when it happened in late December, and there was the holiday
12 over there, and kids were out and about in their
13 neighborhoods, you know, you would -- kids talk, but it did
14 not come to our attention.
15 We went back to school the 2nd, and we finally got
16 wind of this thing that Wednesday, when -- you know --
17 MR. MARNEN: He's asking if your investigation
18 percolated out.
19 A. Not that I know of, but I don't know.
20 (Discussion held off the record.)
21 Q. I want to show you just what was marked as Exhibit
22 2 in the Moore deposition. And I just want to direct your
23 attention to that first page there.
24 A. Okay.
25 Q. Did you become aware that K [REDACTED] and, in fact,

Page 118

1 R [REDACTED] were given -- their IEP was changed to reflect the
2 placement at home?
3 A. Yeah, traditionally -- and, again, you know what,
4 Mr. Olds, you might want to ask Mr. Scozzie about the
5 details of this. Because when a -- occasionally --
6 occasionally, mostly, I don't know. A student -- it can be
7 placed before their placement takes place in Sarah Reed,
8 when all the paperwork gets there, there's a period of time
9 so that the paperwork gets to the next placement. There is
10 a temporary in-home IEP so that the student still receives
11 homework, some kind of instruction. It's very temporary
12 until the paperwork gets to like Sarah Reed or to another --
13 to wherever the placement is. The in-home IEP is an interim
14 placement before the next placement.
15 Q. Okay. And --
16 A. I'm not sure how long it was in-home. I said it
17 was five days, and --
18 Q. Have you ever seen that in any other case?
19 A. In-home IEP?
20 Q. Yes.
21 A. Oh, sure. In-home IEP, um-hum. Is this yours
22 (indicating)?
23 Q. Yes.
24 A. Yeah, in-home IEP is used -- again, take the kid
25 with the broken leg. Before -- if there's a kid that has

Page 119

1 some kind of physical something, and maybe their placement
2 is going to be -- let's say the Lake Erie Rehab or
3 something, there may be an in-home IEP or something -- there
4 could easily -- there's -- it covers the time period so that
5 there's no break in the education plan.
6 Mr. Scozzie could probably talk to you about that;
7 about the details of how long -- I don't think it ever
8 exceeds five days. And a lot of times it could be written
9 for five, and it ends up two or something. It depends on
10 how long the paper trail gets here. It's always temporary.
11 (Discussion held off the record.)
12 Q. Now, again, referring to the document that was
13 marked as Exhibit 1 in Miss Moore's deposition, which is --
14 I'm just going to show it to you.
15 A. Okay.
16 Q. Did you participate in the preparation of that --
17 that IEP revision?
18 A. Top page? On the top page?
19 Q. Yes.
20 A. You know, I think that was a teacher inservice
21 day.
22 Q. 1/18/02?
23 A. Yeah, I think so. But I would have to see a
24 school calendar. But I think that might have been a teacher
25 inservice day. Mrs. Cap did -- Miss Cap did the -- if her

Page 120

1 signature is here, she was at the meeting. And I think that
2 was an inservice day. Yeah, the 18th.
3 Q. So you didn't prepare that?
4 A. No. No. This was prepared -- who did this? I
5 don't know whose signature that is, where it says "classroom
6 teacher". I can't help you with that. Mrs. Gray would have
7 been Rachel's teacher of record at Strong Vincent. I can't
8 even tell what the letters are. You might want to ask
9 Mr. Scozzie that. Maybe it's Charlise Moore.
10 It might have been a classroom teacher. It could
11 be -- I'm guessing here. It could be a classroom -- it
12 could be someone from Sarah Reed Children's Center. Are you
13 talking about the second signature down, Mr. Olds?
14 Q. Right. Yeah.
15 A. Are you talking about right there (indicating)?
16 Q. Yeah.
17 A. You know what, I'm guessing here, but I think
18 that's probably someone from Sarah Reed.
19 Q. Okay.
20 A. Because they would have to be involved, because
21 that's a -- I think.
22 Q. You're saying that Sarah Reed would have to
23 prepare the IEP.
24 A. No, I'm saying it could be a signature from
25 someone from Sarah Reed.

Page 121

1 Q. Okay. So you don't recognize that signature.
2 A. You've got to -- you've got ask somebody else that
3 question.
4 MR. MARNEN: For whatever it's worth, that's
5 before the Sarah Reed intake.
6 THE WITNESS: Right.
7 MR. MARNEN: I doubt that it's Sarah Reed.
8 (Discussion held off the record.)
9 Q. So, now, just because K [REDACTED] was in Millcreek,
10 that doesn't mean that her placement has to change, does it?
11 A. No. They -- that decision is made by -- between
12 the parent and Millcreek Hospital. They make educational
13 recommendations at a discharge. They formulate what they
14 feel is in the best interest of that student.
15 MR. OLDS: Let me see if I have that.
16 (Discussion held off the record.)
17 (Recess held from 2:36 p.m. till 2:44 p.m.)
18 Q. Were you in Strong Vincent the next year -- that
19 would be September 2002. Were you still the principal then?
20 A. Yes.
21 Q. Okay. And tell me what your involvement was in
22 the decision that R [REDACTED] and K [REDACTED] would be returned to
23 Strong Vincent.
24 A. That wouldn't be my decision. If they were in --
25 where was their placement in May? That placement --

Page 124

25 A. The assistant superintendent?

Page 125

2 A. Yes. Yes. You have to go right up through -- you
3 go right up through the channels. If it's a special
4 education student, if it's a regular ed. student, it has to
5 go downtown, absolutely.

Page 128

1 was that a tool that you recall frequently using?

2 A. We would use that with regular education kids,

3 yes.

4 Q. Okay.

5 A. If the -- if the infraction warranted it,

6 absolutely.

7 Q. What kinds of infractions warranted out-of-school

8 suspensions?

9 A. There -- am I allowed to use these? Because these

10 are exhibits now? They are all listed in there --

11 Q. Okay.

12 A. -- for out-of-school suspension. We followed the

13 Discipline Handbook.

14 Q. Okay. You followed the Discipline Handbook.

15 A. Sure. It's not -- Mr. Olds, it's not arbitrary.

16 Q. Okay.

17 A. We have to have it -- students need to know what

18 the guidelines are in the school. And this -- and that

19 handbook was a common language between the students and

20 their behavior.

21 Q. And just so that I understand it, once that --

22 once you finish your investigation, the issue of where the

23 girls were going to go; i.e., R [REDACTED] and K [REDACTED] that was

24 handled by either Mr. Scozzie or someone else. You weren't

25 involved in that --

Page 129

1 A. No.

2 Q. -- in that decision.

3 A. No. Only in that we wanted to make sure they got

4 the support that they needed.

5 Q. Did you think that it would have been impossible

6 for you to provide a safe environment in that school for

7 these girls?

8 A. Ask me the question again.

9 Q. Would you have been able to ensure a safe

10 environment at Strong Vincent for these girls after

11 January 10th, 2001. '2. Excuse me.

12 A. '2. I know you meant '2. My goal was always a

13 safe school environment prior to that incident. That

14 incident didn't happen in my building. And that incident

15 happened somewhere else. It didn't happen in my building.

16 I would try absolutely my -- as I do every day, we try to

17 provide the absolute -- every student knows the welfare and

18 safety of that student and other students in that

19 building -- and I would extend that to families too when I

20 talk to a kid. That I would have provided a safe

21 environment. Absolutely I would have provided a safe

22 environment.

23 I would have certainly wanted B [REDACTED] C [REDACTED] and

24 Kincaid -- which we got out of there pronto. And Mr. Bibbs.

25 They were out of there.

Page 130

1 Q. They were out of there because the police took
2 them out of there, not the School District.

3 A. That's correct.

4 MR. OLDS: I don't have any other questions here.

5 MR. MARNEN: And I have none. We will read and
6 sign.

7
8 (Deposition concluded at 2:55 p.m.)
9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

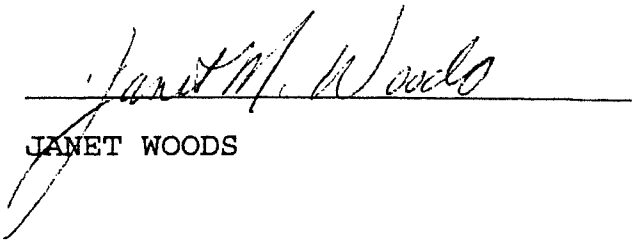
24

25

A000000394

SIGNATURE PAGE

I, JANET WOODS, have read the foregoing transcript of my deposition, and affix my signature in approval of the correctness of my statement, except for corrections noted on the Amendment Page.


JANET WOODSDATED: April 27, 2005

Corrections Noted on Amend Page

Yes ☒No ☐

A000000395

1 JLF

2

AMENDMENT PAGE

3

4

PageLineCorrection

5

10

1

old "The year 2000-2003"
corrected "2002-2003"

6

7

8

9

13

18

old "Title IV"
corrected "Title IX"

10

11

12

25

7

old "not all of them"
corrected "know all of them"

13

14

15

16

51

15

old "March 7"
corrected "January 7"

17

18

Question by Q&A's

19

not my testimony

20

21

100

17

old "him at Indag"
corrected "him outside"
or
corrected "him cut front"
(of the school)

22

23

24

25